

NEW GOVERNMENTS OF EASTERN EUROPE

BY

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UNIVERSITY OF CALIFORNIA AT LOS ANGELES

WITH CHARTS AND MAPS



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P R E F A C E

This volume, like its predecessor, *New Governments of Central Europe*, is a product of necessity. Despite the lapse of seven lean years of peace, the circumstances which led to the writing of the earlier work impelled to the quest of material relating to Russia and its succession states in the hope of being able to analyze the processes of imperial dissolution and national renaissance which took place there on an even more dramatic and catastrophic scale than in the domains of the Hohenzollerns and Hapsburgs. The quest has led through diversified and scattered materials; into complex and ramified situations. The product is the present volume, which simply endeavors to portray concretely, scientifically, and entirely dispassionately the breakdown of the Romanov empire and the way in which its transformation into the Union of Socialist Soviet Republics and the Baltic states has been effected. The study is designed to do as regards Eastern Europe what its forerunner attempted in relation to the Central European region.

Certain phases of the development of the study may require a brief comment. It was essential that the breakdown of the Russian Empire be treated before undertaking a study of the evolution of the succession states formed from it. For that reason it proved necessary to carry the life of the empire in the ensemble to the point where each country turned to its own course of independence. The points of severance of contact are thus specifically noted in the chapter on the March revolution and the topics are then dropped until resumed in the course of the narrative on the specific countries. Thereafter the social and political evolution of Russia is traced uninterruptedly save that the treatment of constitutional developments since the November revolution is reserved to a special chapter in view of the peculiarly distinctive character of the soviet system. In treating the new states individually the requisite social and constitu-

tional background of the peoples involved is sketched in order to show the pulsating trends in the life of the Balticum at the moment of the achievement of independence. After considering in detail the forces responsible for the framework of government in each country, appraisal is made of the vitality and working of the institutions with which each has endowed itself. Finally, there is attempted an evaluation of the various efforts made by the Baltic states to establish, under the régime of the newer diplomacy, the machinery for regional political and economic coöperation.

Concerning the "Time Charts" accompanying the text: they seek concretely to record the ebb and flow of the varying currents of opinion as expressed objectively in terms of governmental combinations and ministerial followings. They are, to use a scientific metaphor, the measured and recorded spectra of the different elements entering into the life of each nation. It will be noted that there is no chart for Russia. In the very nature of things there can be none. Great as the changes of policy have been, first within the R.S.F.S.R. merely, then within the Union, they have been adjustments in the ranks of the communist party, made *in camera*, and not between parties. There has been no opportunity for dissenters to appear within the political arena, and hence no clash of rival organized political forces to be recorded.

In regard to the documents making up Part II of the volume, a reviewer of *New Governments of Central Europe* called attention to the fact that there many documents were included which now have no legal force. Such are here, as there, deliberately given because of their developmental value, because it is believed that they have a deep-rooted vitality in that they illustrate and exemplify—indeed, may they be said to crystallize—the dominant traits of governmental policy or opposition attitude at given stages particularly at critical and incentive moments in a nation's development. Hence the extensive treatment of the March revolution with its manifestoes; hence the documents on the Pilsudski *coup*. Provisional constitutions are important because struck hot from the anvil of reformed nationality, even though the permanent instruments may be differ-

ently tempered. In Poland the "Lesser Constitution" and the various unique drafts bring into concrete focus the reigning ideology of the first hours of renaissance. With the tides of history running high in a time of tremendous change and political experimentation there is much to be learned from noting the exact trend of reactions. It is long since political scientists have had the opportunity to watch and record the variations in such phenomena as the collapse of empire, the swing to independence and beyond—through the period of intense nationalism and self-determination fighting for its right to be, on to a different type of orientation and cooperative union. This process was noted first in relation to the two Central European empires; now in another where the changes have been more colossal and divergent, with the communist experiment in the larger part of the territory and, on its borders, independent democratic states standing in the tension zone between the civilizations of the East and the West. The region has been a fruitful laboratory of experimentation and it has seemed distinctly vital to note scientifically and document not only the results but the phases and cycles of change during the decisive decade of upheaval and adjustment which is now drawing to a close.

My obligations in regard to the preparation of this work are many. Once again I am under the greatest debt to the Hoover War Library at Stanford University; it has been a basic source of material and in many cases the documents cited were made available there. My thanks are due the directors and staff of the War Library for unfailing courtesies. It is a pleasure to express my appreciation and acknowledge my indebtedness to the ministers and legation staffs of all the Baltic republics at Washington for supplying official documents and statistics not available outside the Balticum itself, and to the political directors of the foreign offices at Tallinn, Riga and Kaunas, who have given evidence, by their generous and frank disclosure of facts, of the openness of the newer diplomacy. To the delegations of the Baltic states to the seventh Assembly of the League of Nations I am indebted for many courtesies extended during my stay in Geneva and for valuable assistance given. For that period abroad, with its many opportunities for observation and

PREFACE

contacts, I wish to express my obligation and my thanks to the Carnegie Endowment for International Peace, at the invitation and under the auspices of which the trip was made.

An enumeration of all the persons to whom I owe thanks would be impossible. I cannot forbear, however, recording my indebtedness to Professor Edward S. Corwin, editor of the series, for his careful and most helpful criticism of the manuscript. To Antonius Piip, now professor of international law at Tartu University, I am profoundly grateful for critical comment on various parts of the study. I wish also to acknowledge the courtesies of my friend Walter Russell Batsell, Director of the International Reference Service of the American Library in Paris.

Most basically I am indebted to my wife, whose inspiration and help have been invaluable throughout the preparation of this work.

M. W. G., JR.

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NEW GOVERNMENTS OF EASTERN EUROPE

PART I

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CHAPTER I

RUSSIA UNDER THE OLD RÉGIME

TERRITORIAL DEVELOPMENT OF THE EMPIRE: *Outstanding Characteristics—The Eastward Movement in Russian History—Expansion to the Sea—Colonization of Asiatic Russia—Racial Composition of the Empire—The Fringe of Nationalities.* SOCIAL STRUCTURE UNDER THE OLD RÉGIME: *Uniqueness of the Social System—The Military and Landed Aristocracy—The Bureaucracy—Weakness of the Middle Classes—Delayed Modernization—Effect of the Industrial Revolution—Growth of an Industrialist Caste—Creation of Urban Proletariat—The Peasantry.* THE GOVERNMENTAL SYSTEM: *The Czar—General Prerogatives—Legislative Powers—Executive Authority—Military and Diplomatic Powers—The Governing Senate—The Administrative Bureaucracy—The Privy Councillors—The Committee of Ministers—The Council of Ministers—Corruptness of Imperial Administration—Lack of Representative Institutions—The Orthodox Church and the Autocracy—The Church and the Peasantry—Rôle of the Intelligentsia—Bourgeois Moves for Constitutional Reform.* THE REVOLUTION OF 1905: *Russian Military Defeat—Futile Attempts at Minor Reforms—The August Manifesto—Rise of Political Parties—The October Manifesto—Development of Constitutional Parties—The Reactionaries—"Moderates" and "Octobrists"—The "Cadets"—The Social Democrats (Bolsheviks and Mensheviks) and Social Revolutionaries—The Duma Electoral System—Elections to the First Duma—Emasculation of the Duma.* THE IMPERIAL CONSTITUTION OF 1906: *The Theory of Autocracy—The Russian Bill of Rights—Legislation—The Duma and the Imperial Council—Comparison with Prussian and Austrian "Constitutional" Autocracy.* THE DECADE OF THE DUMA: *The Duma's Program of Constitutional Reform—Its "Inadmissibility"—End of the First Duma—Failure of Bourgeois Liberalism—Stolypin's Agrarian Reforms—His Electoral Manœuvring—Stolypin and the Duma—End of the Second Duma—Abrogation of the Electoral Law—The Restoration of Autocracy—Russification of the Duma—Achievements of the Third and Fourth Dumas—The Duma and the World War—The Hand-writing on the Wall.*

TERRITORIAL DEVELOPMENT OF THE EMPIRE

THE Russian Empire, on the eve of the World War, was the largest political entity in the civilized world, and governmentally unique. Comprising the vast area reaching from the Arctic Ocean to the Black and Caspian Seas and from the Baltic to the Pacific Ocean, it embraced lands of the most diversified topogra-

phy, natural resources, and climate, and contained in its population a bewildering array of different races and tribes. Notwithstanding the apparent multiplicity of nationalities, the salient fact dominating the political development of the empire was the overwhelming preponderance of the Russian race in the greater part not only of European Russia, but of Siberia as well. The expansion of the empire, due to the colonization of a continent by the sturdiest stocks of the prolific Slavic race, gave to the dukes of Muscovy and their descendants the control of the greatest contiguous political unit that the world has yet known.

The stages of that expansion and the processes whereby the great empire was knit together concern us but slightly here. Suffice it to say that the conquest of the Asiatic continent by the gradual extension of an agricultural civilization eastward over the steppes of the Donetz, Volga and Ural basins to the great Siberian plain represents a colonial expansion as signal in the world's history as the processes which brought about the domination of the greater portion of the North American continent by men of the white race. If the current of civilization on the American continent turned westward, and the English-speaking race swept, in two and a half centuries, across the continent, colonizing from the tundra of the Northwest Territories to the steppes and the arid wastes of the Great Basin, no less did the Russian race perform its civilizing mission in turning the energies latent in it eastward and building on the solid and substantial basis of permanent agricultural settlement an empire composed in the main of a conservative, democratic, law-abiding peasantry. The urge to expansion into fertile agricultural areas left desolate by the invading Mongol or Tartar, the seeking of additional room for an increasing population, the quest for access to the open sea—such were the factors which led the rulers of the Russian people into the paths of empire. Once the Mongol and the Tartar had been vanquished and their lands engulfed in the tide of Slavic colonization, it became the historic task of the Romanov dynasty, as autocrats of All the Russias, to free the expanding Muscovite empire from Swed-

ish and Polish interference, and to secure permanent contact with Western civilization.

Thus it was that the Russian Empire, in seeking that access to the world's highway which alone would permit the development of its commerce, came gradually to acquire, and where possible absorb, whatever races barred the way to the sea. Archangel, Saint Petersburg, Riga, Mitau and Reval, Odessa, Sebastopol and Batum—such are the names connected with the quest for the great trade routes. And if a tribe, a race, a nation, stood in the way, the genius of a greater race, numerically if not culturally preponderant, must not be denied its objective. Thus the Baltic provinces, Finland, the Caucasus, and Manchuria came under the control of the Autocrat of All the Russias, and Poland, bringing Russia nearer to European culture and commerce, was partitioned by the intriguing and enlightened despots of the eighteenth century.

In the course of the nineteenth century, with the development of new means of transportation, new influences were brought to bear in the development and expansion of the empire, and the steel bands that joined Vladivostok and the Baltic, Riga and Tashkent, Archangel and Sebastopol made possible imperial expansion upon a much vaster scale and with infinitely greater celerity. Just as the story of westward expansion changed in America with the advent of the railroad, and the covered wagon gave way to the transcontinental limited, so the slow caravans of colonists no longer took the arduous journey across Siberia to a new promised land in the old way, but began their real pilgrimage at the nearest point from the great railroad centers. No longer was the process of colonization left to the initiative of the intrepid and adventurous; the government sedulously cultivated the settlement of colonists on the very frontiers of the empire.

At the end of the first decade of the twentieth century imperial Russia had brought under her sway and colonized with increasing success nearly eight and one-half million square miles of the earth's surface, and, with a constantly increasing population, peopled her extensive domain with over one hundred and seventy-five million inhabitants. Of this number about one hun-

dred and fifteen million belonged to the Russian race, while the remainder comprised some eighteen million Turco-Tartars, five million of the minor races inhabiting the Caucasus, seven million Jews, concentrated chiefly in Poland and the great cities, nearly three million Germans, over four million Lithuanians and Letts, as well as approximately eight million Finns and Esthonians, and over eleven million Poles.

It will be noted that the alien populations, for the most part, marked a very definite fringe around the empire. Of the inhabitants of the westernmost part of Russia less than seven per cent. spoke the Russian language or were of Russian stock, while from the Arctic Ocean to the shores of the Black Sea stretched a long strip of territory whose preponderant nationalities had been suppressed in order to give the empire frontiers contiguous to those of the Great Powers of Europe. All in all, minor nationalities amounting to over twenty-five million persons inhabited the border strips on the West, five million peopled the Caucasus, while in Central Asia well over ten million Moslems, chiefly of Turco-Tartar extraction, skirted the southernmost edges of the Czar's domain. Thus at three vantage points, on the West, in the Caucasus and in Transcaspiia, the minor nationalities were concentrated; elsewhere amalgamation was fast taking place, and the original races were becoming enclaved in the Russian flood. The obvious inference that may be drawn from these factors of racial distribution is that if ever a dissolution of the empire were to occur, the three foci of dissident nationalities would be the places where secession from the empire would first take place.

SOCIAL STRUCTURE UNDER THE OLD RÉGIME

Within that ring of circumscribing nationalities the Russian stock ruled supreme. "One law, one language, one religion," the watchword of the Pan-Slavist movement, could well apply here. Yet though there was uniformity of race, language and religion throughout the vast stretches of this area, there was no similar uniformity of social structure. For instead of the democracy that characterizes the American continent, the Rus-

sian Empire remained, even up to the outbreak of the World War, the essence of all that was anti-democratic. Unlike the agrarian builders of the American Commonwealth and the Dominion of Canada, the Slavs who had filled the vast spaces of the Russian plain and overflowed into Siberia, though basing their economic order for the most part upon agriculture, were dominated from above by a social system not of their own making, but one in which historic accident had combined with national necessity to impose a political, legal and social order that was distinctly *sui generis*.

The politico-social system, built up by the Muscovite dukes and continued essentially unchanged by the Romanov dynasty, originated with the dire necessity of defending the possessions of Muscovy against the Tartar and Mongol invasions. To rout the invader by perfecting a superior military organization, to consolidate and defend against renewed attack the lands left waste by a nomadic horde, to retain and enforce the allegiance of the intrepid colonists who followed the receding Tartar tide—such were the initial problems of the rulers of the Muscovite domain. To solve them it became necessary to create a military and landed aristocracy, who could enforce the fiscal system needed to build up a permanent military defence. Up to the time when Peter the Great turned his eyes westward and sought forcibly to Europeanize Russia, the concentrated power that had fallen into the hands of the aggressive dukes of Muscovy was utilized to assign lands to their retainers and allow these to collect from the peasantry thus enslaved the revenues for still further military exploits. Only on the easternmost reaches of European Russia—the limits of the empire in the 17th century, in the era preceding Peter the Great—did an independent individual system of land tenure survive, and an independent peasantry eke out its meagre existence. Elsewhere serfdom of the most oppressive sort was the reward of the peasant colonist who sought or received the protection of his government.

Once the imminent danger had passed, and no pressing need existed for military contributions, it might have been thought that the system of physical, mental and moral helotage would

have been transmuted into a milder form of servitude, admitting of the gradual rise of the peasantry to their former estate. But the advent of a new bureaucracy, as a result of the drastic reforms of Peter the Great, merely substituted for the original military rulers harsher taskmasters, who were rewarded for their services to the Russian state by being given the lands of the older nobility. This strict stratification of social life resulting in a bureaucratic system borrowed from Western Europe at the height of the Age of Absolutism, almost entirely prevented the emergence of any appreciable middle class independent of the landed gentry or the court; not until the advent of the industrial revolution in the latter part of the nineteenth century did even the beginnings of an independent middle class become possible. With a thin upper crust of courtiers, bureaucrats, and landed gentry, and a great inert mass of stolid peasantry beneath, the social structure of the Russian Empire presented an abnormal and definitely retarded cultural and political development at the beginning of the twentieth century.

While Western Europe slowly evolved an educated, independent bourgeoisie which kept the balance between the dwindling upper classes and the constantly increasing proletariat, the almost utter absence of such a class in Russia presaged a condition of violent turmoil when the reordering of her society according to Western models should take place. As with the Ottoman Empire, an outworn system of society was permitted to survive under an unchanging autocracy, bureaucracy and state church. For the Autocrat of All the Russias, as for the Ottoman Caliph-Sultan, Westernism and the adoption of Western tactics had, purely because of the impassivity and stubborn immobility of the ruling classes, become a source of unlimited, and very real, danger.

That Russia should lag behind the rest of Europe in the alteration of her social order and her economic and political system is not, of itself, altogether surprising. In her previous history the successive waves of Western influence had pervaded her social structure centuries after they had affected the westernmost parts of the Continent, but the principal difficulty and the crucial danger lay in the conscious desire of the Russian rulers not

to alter the inherited social structure nor to divest themselves of the smallest part of their authority. Had the liberal projects of Alexander I come to fruition in the decade of internal reconstruction following the downfall of Napoleon, it is possible that the modernization of Russia, politically, socially and economically, might have come about comparatively painlessly. But when Alexander, under the influence of Metternich, abandoned the constitutionalist movement, the political modernization of Russia was postponed for nearly a century.

What Alexander and his successors dared not do, the cumulative force of irresistible economic and social change finally consummated. With the establishment of means of rapid intercommunication throughout Europe, the impossibility of keeping the intelligentsia isolated from the liberal and democratic movements in other parts of the Continent became obvious to all but the most reactionary courtiers. What the Metternichean system failed to accomplish in Central Europe in the first half of the nineteenth century, no amount of police surveillance could secure in Russia in the latter half. But not only was it impossible to resist the spread of liberal ideas; the rejection of the whole industrial system which had made a higher civilization possible in Western Europe was out of the question.

When the introduction of the industrial revolution came about, its immediate effect was to create two new classes, the advent of neither of which was acceptable to the *ancien régime*. The intrusion of a wealthy manufacturing class into a select circle of landed gentry and bureaucrats spelled the doom of the exclusive oligarchy, principally dependent upon the court, to which all privileges and concessions had fallen in times past. But an even greater danger loomed in the creation of a large class of factory and industrial workers, whose greater skill and acumen, as compared with the untutored peasantry, gave them the opportunity to take the initiative in hastening the processes of social readjustment. Linked with the professional classes and the rising number of intellectuals, the leaders of the working classes became potent factors for securing long-deferred and much needed reforms.

The most important factor in the social structure of Russia

was the peasantry. Composing 85 per cent. of the population, uniformly distributed over the greater part of the empire, this class, landless, untutored and ignorant in the main, presented the most pitiable spectacle of any great class in a modern state. To the courage of Alexander II they owed the nominal abolition of their serfdom but, left virtually landless, their position following Alexander's famous edict of 1861 was not essentially changed. Kept by the force of circumstances on the lands of their former masters, deprived of any opportunity of bettering their state save by migration to the outermost reaches of the empire or to the New World, their primary need was the acquisition of land in their own right, that the opportunity for self-advancement, for the attaining of an independent existence, might be theirs.¹ So long as the *mir*, or village, lands were tilled in common, or allotted annually, the thrifty paid by their industry for the sluggishness of the laggards, while forced contributions to the gentry as the representatives of the state largely took away the incentive for remunerative effort. Sunk in despair over their economic future, the peasantry found a welcome solace in strong drink, which alone held out promise of relief from an otherwise utterly intolerable situation. It was in the midst of this diversity of classes, with their mutually bitter antagonisms and recriminations, that the formal governmental machinery of the empire was compelled to function.

THE GOVERNMENTAL SYSTEM

At the head of the governmental system of the empire stood the Czar. Claiming to rule by divine right and inherited prerogative, he both typified and personified the principle of autocracy, and bore the official title of Emperor and Autocrat of All the Russias, Czar of Poland, Grand Duke of Finland, etc. A hereditary monarch, enjoying the legacy of unlimited power bequeathed to him by his forebears, Nicholas II of the Romanov dynasty was thoroughly representative of the House that had unified, extended and magnified Russia. Down to the promul-

¹ On Russia's agricultural and peasant problem cf. Miliukov, Paul, *Russia and Its Problems*, Chapter II.

gating of the constitution which was forced from his hand by the Revolution of 1905, the entire legislative, executive and judicial authority of the empire lay, theoretically, in his hands. Even after the grant of that document, the arbitrary use of his authority was but slightly curtailed; indeed, the constitution itself attributed to him "supreme autocratic power."

In legal theory the powers of the Czar, according to the view of strict constitutional lawyers, were not unlimited, in that the collected fundamental laws decreed expressly, even before the constitutional reforms of 1905, that "the government of the Russian Empire rests on the unshakable foundation of positive law," but the arbitrary exercise of imperial authority daily belied the speculations of the jurisconsults. In actual practice the Czar enjoyed, not only the historic prerogative of any monarch to dispose of his personal affairs without assistance, but also the unique privilege of fixing his civil list and that for the various members of the imperial family—a prerogative frequently galling to spendthrift Grand Dukes and other royal profligates.

The rôle played by the monarch in legislation anterior to the reforms of 1905 was unlimited, as he alone enjoyed the initiative in this field and he alone could authorize the proclamation of an edict. This is not to imply that all laws emanated directly from the monarch; on the contrary, for the most part, they were the products of mature deliberation on the part of the entire Council of State, or of special commissions, or of individual ministers, and were brought to the monarch for his final acceptance or rejection. Nevertheless, it was the monarch and the monarch alone, whose will prevailed, irrespective of what might be the cogent counsels of his ministers. In matters of finance the same unlimited authority was exercised save that the arbitrary caprice of the monarch was seldom arrayed against the wishes of his ministers. In common with most sovereigns, the Czar enjoyed the right of pardon, of naming, either directly or indirectly, the judicial officers of the government, and finally, of bringing to trial any malefactors among his councillors or retinue. In actual practice, the legal theory that the monarch could personally administer justice was not made use of.

The executive powers actually exercised by the Czar were not unlike those of constitutional monarchs, and were largely used in conformity with the wishes of his ministers. The ordinance power so frequently exercised in France and other European countries by the executive was highly developed under the Czarist régime, and was utilized, not only to explain and develop the details of general statutes, but also as a means of solving administrative difficulties and conflicts. Here, however, the sycophancy of the courtier and individual minister gave rise to arbitrary and rash use of imperial authority, and not infrequently led to strange inconsistencies due to the monarch's vacillations.

Matters of policy, pertaining to the most grave and important phases of imperial affairs, were likewise directly under the scrutiny of the monarch, and matters of war and peace and foreign relations were subject to his whim and caprice. Herein lay not only unfettered authority, but, because of its secrecy and centralization, a power of commanding forces easily capable of disturbing the peace of the world and provoking wars. To be sure, actual administration by the ruler was physically impossible, but, as he was unlimited in his power of appointment and removal of his advisers, the imperial will could make itself felt without let or hindrance. Such were the powers which the ruler of All the Russias personally exercised at the beginning of the twentieth century.

As has already been pointed out, the monarch refrained in practice from the personal exercise of judicial authority. This was left to the courts of the empire, at the head of which stood the Imperial Governing Senate, a body dating from the time of Peter the Great. The Senate, entirely an appointive creation of the monarch, formed the highest court of appeal in the empire and was entrusted, not only with the supervision of the inferior courts, but with the notarial functions of recording and promulgating laws and surveying lands. In addition it possessed many miscellaneous duties and acted as a final administrative court. Through legal advisers attached to every department, the Governing Senate was linked officially to the Ministry of Justice, whose official head bore, in this relation, the title of Procurator

General. The law administered by this body and the subordinate courts consisted of the judicial regulations compiled and revised under Alexander II which formed a complex code governing judicial organization, civil and criminal procedure and the competence of local justices' courts.

From the very earliest times the rulers of Muscovy surrounded themselves with courtiers and advisers to whom a great deal of the actual executive work of government was intrusted. Peter the Great, in establishing the bureaucracy, specifically devised a scheme which should bring to the forefront of the imperial administration men with due training for the affairs of state. Thus the bureaucracy, with its ranks of office parallel to those of the military and naval hierarchy, became a close corporation of professional civil servants, to which none were admitted save by proving their general fitness, and from which the leading lights emerged into a new type of nobility. It was from the ranks of these professional bureaucrats that the Czar chose his official advisers, and so great was the force of tradition that the monarch seldom went outside the circle of professionals for an adviser. Thus, in practice the only source of official counsel open to the monarch came from the close circle of men of the higher *chins*, and no views save those of official administrators came to his ear. In making his selection of counsellors, therefore, the intelligentsia, the mercantile classes, the small landed proprietors and the representatives of the lower classes were *a priori* excluded. Not until the circle of advisers should be opened to men of another stamp could the continual inbreeding of the autocratic tradition be stopped.

The manner in which the monarch took counsel is not without interest. In establishing the ranks of advisers, the privy councillors were created to furnish in private the advice which the ruler might request. As the ministers were invariably taken from the ranks of privy councillors, they seldom gave their advice in collegial form. As the inheritors of single and separate ministries, created by Alexander II to replace the older collegial authorities dating from Peter the Great, the ministers gave their counsel individually or in informal groupings of two or more. A more official way of giving counsel and of formu-

lating policies for royal approval was through the agency of the *Committee of Ministers*, comprising an inner circle of advisers which endeavored in a crude way to correlate the activities of different branches of the government. This body suffered from the fact that its composition constantly shifted, and that presence or absence from the committee was a marked sign of royal approbation or disfavor. The most formal way of seeking counsel was through the medium of the *Council of Ministers*, a body of formal advisers named by the Czar and chosen from among former ministers and higher military and civil personnel. Meeting but rarely and that under the direct presidency of the Czar, the Council of Ministers served officially to report to the ruler the conclusions to which it had come after mature and private deliberation. Its action and recommendations, supported by due documentary evidence, were laid before the monarch for action, and in practice, although perfectly free to disregard their advice, he seldom chose to reject it.

Whatever the form in which the Czar took counsel, it was his ministers who were left to carry out the mandates of their imperial master. Since, however, their activities were uncorrelated, friction and inefficiency resulted. This, in turn, provoked jealousies and bickerings, and ministers sought to place in imperial disfavor their political enemies among the ministry, and to obtain additional rewards and imperial favors for themselves by so doing. The fundamental evil lay in the fact that the autocracy permitted the development of no organized dissenting opinion from that of the monarch, and hence only courageous individuals among the ranks of the ministry ever dared attempt to dissuade the monarch from any project or oppose the imperial will on any matter. This dual lack of organization of both opinion and administration proved, in the long run, one of the greatest weaknesses of the autocracy and one of the reasons for its ultimate downfall. In actual administration the evils of disorganization were more than equalled by the utter venality and corruption of the greater part of the Czar's advisers, who, intent upon personal gain and that of their immediate social class, were singularly apathetic to the general political, social and economic conditions of the country.

It has been noted that the various bureaucrats were the sole political advisers of the monarch. Of popular representative institutions there were none. Any sharing of the power of deliberation or legislation with a national representative body struck at the very vitals of autocracy, and hence no thought was entertained by the Czar of admitting the representatives of the people into his confidence until the outbreak of revolution and the threats of a Red Terror akin to that of the French Revolution finally wrung from him a manifesto proclaiming the creation of a genuine representative system. But even after the inauguration of the "constitutional" order in 1905, the old Council of Ministers remained intact, and the spiritual counselors of the Romanovs, such as the degenerate monk Rasputin and his ilk, were left to exercise their malign influence on the imperial ruler and his family alike in matters spiritual and political.

The rôle exercised by the Orthodox Greek Catholic Church in Russia, not only in the rural and urban communities, through the agency of its parish priests, but also in the higher circles of the government, through the agency of the Holy Synod, deserves mention. Despite the schismatic difficulties which its official connection with the autocracy produced among the ranks of the believers, the church was of paramount political importance to the autocracy because of the ecclesiastical sanctions which it gave to the acts of the Czar. Since the church claimed to be fulfilling a divine mission in the world, it was but natural that the autocracy should find itself in close alliance with the Orthodox faith. According each other mutual support, the autocracy strengthened by its official political pressure the existing position of the church, and the church, by proclaiming the divine mission of the Little Father to rule his children and preaching an obedience to his political commands as a divine injunction, became, apart from the bureaucrats, the chief supporter of the autocracy.

In the fulfilment of its divine mission the church did little to alleviate the condition of the peasantry. With oriental mysticism it looked for release from the bondage of earthly cares in a future world and commended the joys of that existence and

the contemplation of future happiness to the oppressed *mužhiks*, in lieu of formulating a social program akin to that sponsored by the Roman Catholic Church in the lands of the Habsburg monarchy. Playing upon the naïve simplicity and childish faith of the peasantry, the church perpetrated frauds acceptable only to the credulous, and did little by way of promoting popular education. Lacking a social program, therefore, in a time of enormous social change, the Orthodox Church, by clinging to the *ancien régime* and supporting the Autocrat of All the Russias, eliminated itself as a possible factor in the moral and social regeneration that must sooner or later take place. In short, in the tortuous way toward self-emancipation from a régime of economic hopelessness, the peasantry were forced to look elsewhere than to the court, the higher bureaucracy or the church for any prospects of amelioration. By the sheer force of circumstances, only the intelligentsia or the urban proletariat could furnish that guidance.

The first of these alternatives offered no little promise in the opening years of the twentieth century. Thanks to the initiative of Alexander II, the beginnings of local self-government had been introduced in 1864, following close on the emancipation of the peasantry from serfdom. In the establishment of municipal, district (*zemstvo*), and provincial (*gubernia*) assemblies, or *dumas*, the opportunity had been vouchsafed the middle classes to enter to an appreciable extent into the local political life of the nation. Out of the ranks of such councillors and municipal and provincial executive committeemen had risen persons who gained for themselves wide repute for their skill and capacity in local governmental affairs and who were ready on an opportune occasion to assume the leadership in matters of national or imperial concern.

That this long schooling in the *dumas* of the *zemstva* and the *gubernii* could be utilized in times of national crisis was revealed by the success with which the *zemstvo* unions banded together the representative men of the cities for war work at the time of the Russo-Japanese war. When the ordinary machinery of government broke down, due to the utter inefficiency of the bureaucracy, the men of affairs from the industrial and pro-

fessional classes came forward to contribute materially to the reinforcement of the army and the care of the sick and wounded. When military reverses continued in the Far East, it was this same group of bourgeois leaders who turned to the imperial government with constructive suggestions for administrative and political reform. In the end, though the class-conscious proletariat of the great cities showed itself and exercised appreciable influence in bringing about the October revolution of 1905, its hour had not yet come, and it was due to the leadership of the intelligentsia and middle classes that the actual inception of a constitutional régime was made possible.²

THE REVOLUTION OF 1905

The complex story of the revolution of 1905 need not detain us long here. It is enough to note that the structure of autocracy was unequal to the strain of an unsuccessful foreign war. Not only did war-weariness overtake the troops at the front, but the reactions of the nation at large to military defeat led to manifest distrust and open imprecation against the régime that had brought matters to such a pass. When the government forbade open demonstrations and the inner circle began a policy of repression—the only measure of self-defence which an autocracy finds possible—the nation recoiled and the bourgeois and proletarian classes united to face the government with a

² On the territorial development, social structure and governmental system under the old régime the following references are suggested:

Alexinsky, Gregor, *La Russie Moderne*; Beazley, R., Forbes, N., and Birkett, G. A., *Russia from the Varangians to the Bolsheviks*; Berard, Victor, *L'Empire Russe et le Tsarisme*; Dillon, E. J., *Russian Characteristics*; Engelmann, J., *Der Staatsrecht des Russischen Reichs*; Korff, Baron S. A., *Autocracy and Revolution in Russia*; Leary, D. B., *Education and Autocracy in Russia*; Leroy-Beaulieu, A., *Russia under the Czars*; Mavor, James, *Economic History of Russia*; Miliukov, P. N., *Russia and its Crisis*; Palme, A., *Die Russische Verfassung*; Rambaud, A. and others, *The Case for Russia: A Composite View*, Part I, pp. 1-136; Skrine, F. H., *The Expansion of Russia, 1815-1900*; and Villari, Luigi, *Russia Under the Great Shadow and Fire and Sword in the Caucasus*. A convenient reference book is that on *The Russian States*, published in 1919 by the British Foreign Office in the series of Peace Handbooks.

solid front. Against such a union of forces the autocracy were impotent.

At the earnest instance of Count Witte, the Czar had announced in a ukase of December 25, 1904, a series of reforms which were regarded as imperative. It bade the Committee of Ministers undertake the necessary measures to establish law and order, extend freedom of speech, religious toleration and the scope of self-government, and to abolish all extraordinary laws. To this program the Czar was reluctant to subscribe and Witte's suggestion that a vague promise of a national consultative body to aid in the elaboration of legislation be made was abruptly rejected. For over eight months the monarch dallied in the vain hope of being able to escape fundamental reform. The ukase of December 25 was never enforced and Witte was forced to admit that the results of the attempted reform were practically a negligible quantity.

Not until the end of the war was in sight and peace negotiations were actually undertaken did the autocrat yield to the growing evidences of open revolutionary activity and promise in a manifesto of August 19, 1905, the summoning of an elective national Duma as a permanently functioning institution similar to Western parliaments. Notwithstanding the announcement that the competence of the body was to extend to all laws and regulations, both permanent and provisional, and to the budget, the manifesto expressly declared that the Duma was an exclusively consultative institution. Under such circumstances the complete freedom of discussion permitted, the ostensibly wide franchise, resting chiefly on the peasantry as "the element of the population predominant numerically and most reliable and conservative from the monarchistic standpoint," were mere shams. To show the equivocal attitude of the autocrat still further, the manifesto proclaimed that the fundamental law on the nature of the autocratic power remained inviolable and unshakable and that the sovereign in nowise had divested himself of his absolute power.

Naturally, the promised Duma satisfied no one. But the mere prospect of elections to a national body of even a consultative character rapidly led to the crystallization of the fluid political.

thought of all classes, from the most extreme reactionaries to the professed revolutionaries, into political parties. Thanks to the organizing activity of Professor Paul Miliukov, the coordination of the activities of the bourgeoisie and the intellectuals was quickly perfected, and the various professions, as well as the representatives of the zemstva outlined in almost identical terms their political demands. These did not stop short with a consultative Duma, but contained the demands for a real parliament, universal suffrage and a responsible ministry. Even tentative projects for a constitution appeared.

Peace had come with the signing of the Treaty of Portsmouth, but while it relieved the empire of external dangers, it only intensified the demands for political reform, and the working classes were largely affected. Under the circumstances, once the peace negotiations were out of the way, Witte went bluntly to the Czar and told him that an even greater measure of reform was inevitable. Hence he advised the granting of a constitution, and the monarch, scourged along the paths of reform by the red lash of open revolution in all parts of the empire, finally issued the memorable manifesto of October 30, 1905, which promised constitutional government and guarantees, an elective and legislative Duma without restrictions on its powers, and finally, a very marked extension of the franchise.

The issuance of the constitutional manifesto resulted not only in the formal introduction of a ministerial council intended to correlate the badly organized branches of the administration;³ but also produced definite political alignments of the various reformist groups, and marked, in a very real sense, the beginning of constitutional parties. Heretofore only political groups or factions without a *raison d'être* had been recognized; now, be-

³ On the basis of this manifesto Witte assumed office as the President of the Council of Ministers, with a picked group of men who were known to hold very conservative, but not essentially reactionary, opinions. Popularly this induction into office of a new body of ministers was interpreted to mean the beginning of cabinet government, but such was not the intention either of the monarch or of Witte, and the very term premier was sedulously avoided. When other pressing tasks, such as the conclusion of the loan from French bankers, had been accomplished, Witte, instead of being summarily dismissed, as is generally held to be the case, volun-

cause there was a definite body to represent political opinion in existence, the object of political strategy plainly became the acquisition of preponderant influence in the new body. Hence political parties crystallized with amazing rapidity and took their stand in accordance with their attitude toward the October Manifesto.

The most reactionary groups, bent on maintaining intact the prerogatives of the autocracy, violently denounced the concessions made to revolutionary opinion, and organized their own "Black Hundreds" of terrorists to cow the population into renewed acceptance of the old régime. The less extreme among the Reactionaries, while opposing the constitutional manifesto in principle, were forced to acknowledge its existence and were not unwilling to enter the Duma to defend in that new forum the principles of autocracy. For them, however, it marked the *ultima thule* of concessions, and they were predetermined to interpret the manifesto and whatever constitutional charter might follow it in the narrowest and most illiberal sense.

A larger group of believers in moderate reform accepted the manifesto at its face value, and determined to comply, if not in spirit, at least in letter with its provisions, hence calling themselves "Moderates" and "Octobrists." The actual rôle of the Octobrist group in the subsequent years of the sterile life of the Duma was to serve as a government bloc, or majority (at least in the third and fourth Dumas), echoing more and more the voice of the extreme conservatives, until its force was spent and power fell into new hands. A party that supported Witte, Goremykin and Stolypin could hardly be expected to survive the vicissitudes of another revolution in the midst of a world war.

The most important and by all odds the largest party at the

tarily resigned just before the assembling of the first Duma, and gave way to another ministry headed by Goremykin. This transition made it evident that the power of changing cabinets was not a prerogative of the Duma, but that the Czar could still select his ministers without any limitation of his prerogatives by any elective chamber, or any other authority. To the end of the Czarist régime this power of appointment and dismissal of ministers was left uncurtailed, and no legal responsibility of the ministers to the Duma was ever recognized. On this period *The Memoirs of Count Witte* are particularly valuable.

time of the revolution of 1905 was the group of liberals and zemstvo leaders cleverly federated into the Constitutional Democratic Party⁴ by Miliukov, who became its outstanding leader. Its program was frankly liberal, and it drew its political principles from the best traditions of English constitutional government. The significant stand taken by the Cadets was that the manifesto marked merely the beginnings of constitutional government, and that the main endeavor of the party—and the Duma—should be to secure further concessions and to establish, sooner or later, actual ministerial responsibility and genuine parliamentary government. In the interim, it was their prerogative to interpret the manifesto in the most liberal spirit. In practice, they endeavored to read into the document and into the laws organizing the Duma every principle of constitutional government accepted by the most enlightened parliamentary monarchies on the Continent.

In composition, too, the Cadets differed markedly from the Reactionaries or the Octobrists. The latter were groups finding their following among either the court, the aristocracy or the landed gentry. To the bourgeois groups the Cadets made their main appeal, and the result was that the liberal professions, men from the lower ranks of the bureaucracy and not a few of the working men added their force to that of the intelligentsia who were the ruling spirits of the new group. If any party might be said to have had the monopoly of real leadership, the Constitutional Democrats could claim that distinction.

Of the more radical groups the Social Democratic Party—itself divided into a majority (Bolshevik) and a minority (Menshevik) faction—and the Social Revolutionaries, a liberal, republican, agrarian party, comprised the mainstay. The former represented the attitude of open class warfare which had been preached at the Amsterdam International Socialist Congress of 1905, but the opportunity which now confronted them found them unready. In consequence of divided counsels and political persecution,⁵ the Social Democrats and Social Revolutionaries

⁴ Known popularly from its initial letters, K.D., as the Cadets.

⁵ It is highly necessary to point out that the real dangers to the stability of the constitutional régime introduced by the October Manifesto

decided to boycott the elections, and only too late, when it was no longer possible to enter their tickets in the political field, discovered that success was about to crown the efforts of the parties in opposition to the government. Then those who did not refrain from voting cast their lot in with the Constitutional Democrats.

Such was the political scene, such the conflicting forces when the elections to the first Duma took place. In elaboration of the August Manifesto, an electoral law had been devised by Bulygin, then Minister of the Interior, which provided for indirect elections through a series of electoral colleges, a scheme which involved the segregation of the people into three classes, the gentry, the townspeople, and the peasantry, each of which was to follow a different electoral procedure. The townspeople and the large landed gentry were to elect an electoral college which in turn should choose a certain number of members to the Duma. For the smaller landed gentry the election of Duma members involved the choice of one electoral college which in turn elected a second electoral college which finally chose another quota of Duma deputies. For the peasantry three such electoral colleges were created, making four steps in all whereby the *mužhik* could make his sovereign will known. Aside from the complexity of this ascending series of hierarchical colleges, the methods of administering the law would have rendered its operation very difficult, had it gone into force without modification. Fortunately the impracticality of the scheme did not await actual testing, for with the issuance of the October Manifesto came the promise of the Czar "to enfranchise as far as possible those classes of the population which are at present totally deprived of the suffrage, leaving to the newly established legislative institutions the further development of the principle of universal suffrage."

In consequence of this move the drafting of a new law became necessary and on December 24, 1905, Count Witte promulgated

came, not so much from the extremists on the Left, whose revolutionary intentions and programs were avowed, as from the extremists on the Right, whose terroristic tactics, carried on in defence of autocracy, were such as utterly to alienate the support of the laboring, peasant and bourgeois classes.

the revised electoral statute.⁶ It marked a distinct advance over the Bulygin law in that it added to the electorate a distinctly new category—that of workmen. These were given the franchise and were permitted to elect their delegates, in factories employing over fifty men, on the basis of one delegate for every thousand workmen. Such delegates then chose members of the provincial electoral college and these in turn elected deputies to the Duma. In this way “there were excluded only factories with less than fifty workmen, the poorer craftsmen, the lower employees in offices, and servants.”⁷

In addition to creating this special class, or curia, the revised electoral law extended the franchise which had been granted to the gentry and townspeople by admitting to the category of gentry all those who rented or cultivated land, and including as townspeople government employees and those paying house or lodging taxes. This expansion of the electorate is estimated to have increased the urban electorate from 230,000 to 2,700,000.

Under this new scheme the elections to the Duma, held in the course of March, 1906, resulted in an overwhelming victory for the Constitutional Democrats who, manipulating the electoral scheme even more cleverly than the governmental authorities, took advantage of the disorganization alike of the bureaucracy and the peasantry and secured the votes of independents generally. Furthermore, many of the socialists, though they had originally intended to boycott the elections, on seeing which way the political current was turning, cast their ballots for the chief antagonists of conservatism. Though the country was far from pacified, Witte prevented the coercion of electors by the government officials, and the elections took place without violence. Their outcome, however, was so disappointing to Witte and his counsellors that it seemed advisable to discard the first ministry under the manifesto, and face the Duma with a more conservative one under Goremykin.

The Duma's election by representatives of the people did not mean its acquisition of power. As soon as the disturbances of

⁶ Cf. Seymour and Frary, *How the World Votes*, Vol. II, pp. 147-151.

⁷ According to Trotsky, this enfranchised 87½ per cent. of the factory workers. Cf. Trotsky, Leon, 1905, p. 29.

the October revolution had died down, the autoocracy regained its composure and attempted to emasculate the Duma by the withdrawal of its competence over many matters. In a succession of manifestoes and edicts the power of the Duma over the army, navy and foreign policy was denied, thus preventing any encroachment on the bastions of internal and external defence with which the autoocracy and court had surrounded themselves. To reduce the power of the Duma further the Council of State was reconstituted to form the upper house or Council of the Empire, half its membership being appointed by the Czar and the other half elected by the university faculties, the gentry, the zemstva and the clergy. With this conservative body set against the representatives of the people, little in the way of radical reform was to be expected.

But the campaign of the autoocracy for a strategic recovery of the ground it had yielded under the October Manifesto did not stop here. Both houses, thus created by ukase, were precluded from discussing the fundamental laws of the empire or the laws which had brought them into being. The financial powers of the houses were reduced to a nullity, as estimates based on existing laws, war credits, and the imperial household expenditures were kept intangible and sacrosanct. Finally, with Bismarckian simplicity, the withholding of finances by a refusal to pass the budget was made impossible as the government reserved the right to keep in force the budget of the preceding year. All in all, the Duma and the Council of the Empire were left but the outward shell of the October Manifesto; the content had been gradually withdrawn previous to the election of the Duma.

THE IMPERIAL CONSTITUTION OF 1906

Between the election and the first meeting of the Duma a further significant change took place. On May 6, 1906, four days before the assembling of the Duma, the Czar promulgated the new code of fundamental laws of the empire, which was to serve, thenceforth, as a written expression of the theory of a self-limited autoocracy. In an endeavor to preserve, so far as possible, the unimpaired authority of the ruler, Witte had suggested and

procured a most exhaustive enumeration of imperial prerogative and authority. The bold theo-autocratic doctrine was stated as follows: "The Emperor of All the Russias wields the supreme autocratic power. To obey his authority, not only through fear, but for the sake of conscience, is ordered by God himself."⁸ In subsequent articles the inviolability of the Czar's person⁹ was asserted, his legislative, executive and judicial powers enumerated,¹⁰ and, in general, the pre-existing "fundamental laws" respecting succession to the throne and the status of the imperial family were confirmed.¹¹

By subsequent provisions of the new fundamental law a bill of the rights and duties of Russian subjects was set forth¹² in terms which, had they been subsequently observed, would have satisfied the most ardent liberals, yet in almost every clause the limitation of these rights by special laws was permitted. Under these circumstances the government retained, and in fact exercised, such repressive power as to make the bill of rights a mockery.

In a special section relating to legislation the constitution formally declared that no new law should be promulgated without the approval of the Imperial Council and of the Imperial Duma nor become effective without the sanction of the Czar.¹³ Nevertheless, it was stipulated that emergency measures might be taken by the Council of Ministers during the recess of the Duma, with the approval of the Czar. From such special measures the fundamental laws organizing the Duma and the Imperial Council and the electoral laws for these same bodies were expressly excluded.¹⁴

⁸ Article 4. For the text of the Fundamental Law of May 6, 1906 cf. Wright, Herbert F., *The Constitutions of the States at War*, Washington, Government Printing Office, 1909, pp. 537-547, also Dareste, F. R., and P., *Les Constitutions Modernes*, 3rd Edition, Paris, 1910, Vol. II, pp. 151-163.

⁹ Article 5.

¹⁰ Articles 6-24.

¹¹ Articles 25-68.

¹² Articles 69-81.

¹³ Article 86. Cf. also Articles 8-9.

¹⁴ Article 87. This stipulation is of the utmost import, because despite this apparent guarantee to the Duma, it was subsequently found impossible

In subsequent articles the existing ukases in regard to the election of the Duma and Imperial Council were confirmed, and the powers of both houses rigidly defined.¹⁵ While their budgetary powers were particularly restricted, and the limitations imposed previously on the two houses were confirmed, both were empowered to examine the credentials of their members and were given "the right to demand explanations from the ministers and from the heads of administrative branches, subordinate to the Governing Senate, with regard to actions of apparent illegality on their part or on the part of officers subordinate to them or to their offices."¹⁶ Outwardly this conferred the power of interpellation, but did not carry with it the power of removing the ministers from office, should they not possess the confidence of the Duma. Here lay all the external aspects of cabinet government, but without a vestige of real responsibility. In unmistakable terms the constitution made the President of the Council of Ministers, the other ministers and the heads of administrative branches responsible to the Czar, and not to the Duma, for the general course of the governmental administration. Each minister was to be individually responsible for his actions and orders.

Such, in substance, was the long expected imperial constitution. In reality it did little to change the existing scheme of things as it had functioned down to 1905. Much of the terminology and most of the constitutional principles were borrowed from the Prussian constitution or from the fundamental laws of Austria. Where the veneer of constitutionalism had been applied in the Dual Monarchy and in Prussia and had left the governing boyars and junkers still in control of an efficient bureaucracy, the governmental structure was found worthy of imitation even by the autocrat of autocrats. The changes in internal constitutional structure which had been forced upon Prussia in 1850 as a consequence of the Revolution of 1848, and the

by Stolypin to control that body without an absolute violation of this article. Cf. pp. 27-29, *infra*. For a detailed commentary on this article cf. Palme, Anton *Die Russische Verfassung*, Berlin, 1910, pp. 156-160.

fundamental laws extorted from Franz Josef after the disastrous defeat at Sadowa proved eminently fitting as precursors to a "constitutional" régime in the Russian Empire. And just as Prussia and Austria had introduced the germinal principle of democratic representation with caution, banking it about with three- and five-class electoral systems respectively, so the framers of the Russian constitutional system contrived their four-class electoral college as the basis for initiating constitutional reform. When viewed, therefore, in relation to the constitutional movements in other countries living under an autocratic régime, it can only appear as the logical step in the process of evolution toward democracy that the Czar should under compulsion have modeled the first representative institutions and the entire governmental structure of his empire in vacillating imitation of the existing Prussian and Austrian régimes.

The reform was long overdue—in the periodic table of constitutional elements the constitution of 1906 should have come to light in the last days of Alexander II, as was befitting the Czar who had given the new Bulgaria a liberal constitution in the wake of the overthrow of the autocracy of the Sultan. Nevertheless, belated as it was, the constitution and the institutions set up under it might have staved off a social revolution had they been permitted to work in conformity with the spirit of the nation at large. This eventuality the blind efforts of the autocracy at self-defence utterly precluded.

THE DECADE OF THE DUMA

The meeting of the first Duma found the constitution an accomplished fact. It had been the design of Witte to leave the constitution as his political monument—to stand between the people and the Czar. He had foreseen with uncanny shrewdness that the meeting of the Duma would be regarded by the Constitutional Democrats and the more radical parties as the signal for an attempt to pass an ultra-liberal constitution. The constituent functions which the Duma was prepared to assume were therefore previously disposed of, by promulgating the imperial constitution and the government produced no program

for the Duma to follow. Disappointed but not despairing, the Duma moved, in characteristically English fashion, an address in reply to the Speech from the Throne, and set forth its own program of political reforms. It demanded the inauguration of a real parliamentary régime with a responsible ministry and the unshackling of the legislative and financial competence of the assembly, with a view to "perfecting the principles of a national representation"; it further sought a reconstitution of the upper chamber, the right to receive petitions, a complete amnesty for political offenders and the removal of the civil disabilities of all classes and nationalities. Other items, such as the abolition of the death penalty, the introduction of universal suffrage for local government purposes, the guarantee of freedom of association for working men, completed the political program of the Duma leaders. On the economic side the Duma's program included three important items: first and foremost, the expropriation of land for the benefit of the peasantry; secondly, the revision of the whole system of taxation, and lastly, the introduction of free education.

It was a program which the government could not, obviously, accept without capitulating completely to the constitutionalist movement. Such thought of surrender was utterly alien to Goremykin, and his reply to the Duma was to deny its competence in many matters, and to declare other reforms impossible at the moment. Particularly in relation to the problem of obtaining land for the peasantry did the viewpoints of the government and the Duma clash. For the former, compulsory expropriation of land, even of crownlands and estates of the church, was declared to be "absolutely inadmissible." Merely the usual palliatives of minor changes in legal regulations concerning the acquisition and transfer of land were proposed. In consequence, the Duma and the government came to a deadlock, and as Goremykin denied the possibility of control of the ministry by the Duma, the only alternatives were the resignation of his ministry or the dissolution of the Duma.

The issue was not immediately settled, and political combinations and negotiations filled the ensuing weeks. In the end, on July 16, 1906, the Duma called on Goremykin to resign. He

refused. Failing to secure its end in this fashion, the Duma tactlessly adopted a few days later a manifesto to the country protesting against the government's stand on the agrarian question.¹⁷ On July 21, 1906, after only seventy-three brief days of existence, the "seditious" Duma was dissolved and the second Duma summoned for March 5, 1907. Goremykin was replaced by Stolypin, a masterly reactionary. The first Duma had come to an inglorious end.

The significance of the Duma's failure, or rather the failure of the Constitutional Democrats to bridge the gap between revolution and reaction, was not lost upon the various political parties. For the reactionaries it betokened the utter inability of the liberal intelligentsia to govern; for the revolutionary parties it signified that no middle-class, bourgeois group could be trusted to lead the nation out of the political and social morass into which the autocracy had brought it. Thus the failure of the middle class parties encouraged both the Right and the Left; the reactionaries were in strategic control and had poured troops into the capital; a general revolutionary outbreak was forestalled, and the policy of physical repression which Witte had avoided so far as possible became the keynote of the Stolypin régime. By applying broadly the "state of reinforced protection," Stolypin first of all restored law and order.

The other political problems immediately facing Stolypin were two: the first was that of pacifying the political classes who had rejected the government's agrarian reforms; the second that of electing a subservient Duma, more in harmony with the wishes of the governing classes. The former problem Stolypin solved by a series of agrarian measures which gave communal lands to the peasantry that had theretofore cultivated them, opened up to private peasant ownership crown and cabinet lands, and permitted freer partitioning of property already owned. In this fashion, by his foresight, Stolypin stayed off the general day of reckoning with the wholesale demand of the

¹⁷ Clearly, in the government's eyes, this was an appeal to the peasantry to rise and overthrow the existing régime, and Miliukov and the other Cadet leaders vainly tried to dissuade their followers from adopting such unparliamentary tactics; but their appeals met with failure, and their position of leadership was lost.

peasantry for free land. Such measures were anything but popular with the gentry, but Stolypin doggedly pushed them through, thereby disarming his political opponents.

The other problem, that of the election of a new Duma, required unusual tact and skill. If the Constitutional Manifesto were adhered to, and the provisions of the fundamental law obeyed, no tampering with the electoral law could legally take place without the action of the Duma itself. Under the circumstances a dual manœuvre was undertaken. By obtaining from the Governing Senate the strictest possible construction of the electoral ukase, it was found possible to restrict the number of peasant, urban and small landed electors rather markedly. In addition, the clergy were instructed to threaten their flocks with divine wrath for failure to vote for conservative candidates.¹⁸

If the land reforms of Stolypin were salutary, the electoral tampering was not. In spite of all the government's official machinations to control the elections, a new hostile majority, this time not bourgeois but distinctly revolutionary, resulted. In the second Duma the leadership was still in the hands of the Constitutional Democrats, despite the trial and imprisonment of virtually all their leaders, but the strength of the new assembly was found in the laboring classes and peasantry who comprised the labor bloc. Under Cadet guidance, all the parties of the Left strove to avoid a direct clash with the government, but when, on the most tenuous evidence, Stolypin suddenly demanded the expulsion of all the socialist members, alleging that they were implicated in revolutionary plots, the Duma refused to accede, and deferred action.

In so doing, it signed its own death-warrant. Before another session could be held the second Duma was dissolved, and the electoral arrangements perfected by the Bulygin law and the December ukase, consecrated by the constitution of 1906, and made unchangeable save through the action of the Duma itself, were set aside. In an imperial manifesto of June 16, 1907, the Czar formally announced the change:

¹⁸ For details of the measures undertaken to restrict the franchise cf. Harper, S. N., *The New Electoral Law for the Russian Duma*, pp. 9-13.

While leaving in force all the rights granted to our subjects by the manifesto of October 30, 1905, and by the fundamental laws, we have decided to modify the procedure for choosing the elected representatives of the people to the Duma, in order that each section of the people may have its own representatives. The Duma, summoned to strengthen the Russian State, ought to be Russian in spirit. The other nationalities forming a part of our Empire ought to have representatives of their needs in the Duma but they ought not to appear, and shall not appear, in numbers which make it possible for them to be the arbiters on questions which are purely Russian. Within the confines of the State, where the people have not attained sufficient civic development, elections to the Duma must be temporarily suspended. All these electoral modifications could not be introduced in the customary legislative way by a Duma the composition of which is recognized by us to be unsatisfactory by reason of the imperfection of the procedure for the election of members of the Duma. It is only to the power which gave the first electoral law—the historic power of the Czar of Russia—that the right of abrogating that law and replacing it by a new law belongs.

God has given to us the power of Czar over our people. It is before His Throne that we shall answer for the destinies of the State of Russia. Believing this, we have made a firm resolution to carry on to the very end the great work begun by us of the re-formation of Russia. We give Russia a new electoral law, and have ordered its promulgation in the Senate. . . .

Here appeared, in unblushing guise, the renewed avowal of autocratic supremacy. Manifestly, if parliamentary institutions were to be subject to modification at the whim of the monarch, if his autocratic power had undergone no limitation as the result of the constitutionalist movement, the representative bodies created under the October Manifesto and the constitution of 1906 could possess no real vitality, could never assume a controlling part in the affairs of the government. The contest between the autocracy and the Duma was shifted to new grounds by the change in the electoral law, and for a decade more the

struggle lasted haltingly, not to end until the autocracy was completely overthrown.

With the dissolution of the second Duma the restoration seemed to be almost complete. The whole cycle of change that had produced the Constitutional Manifesto, the actual revolutionary outbreaks and the first Petrograd Soviet, the summoning of the Duma, and the repressive tactics of Stolypin seemed closed and the restoration of autocracy appeared likely to succeed. By dint of skillful tactics Stolypin had repressed the extreme revolutionaries for the moment, had weakened the Constitutional Democrats materially, had broken the united ranks of liberals that extorted the October Manifesto from the hands of the Czar, and had finished by altering the fundamental law for the benefit of the parties on the Right. Henceforth, until his death, he was to rule the Duma as a master, and the old régime, through his leadership, was to survive for another decade.

The story of the third and fourth Dumas is drab enough. The membership of the body was reduced by the electoral ukase of June 16, 1907, from 524 to 442. To accomplish this result and make the Duma "Russian in spirit," it was necessary to eliminate, so far as possible, the dissident nationalities, hence their representation was markedly reduced, not so much out of a desire to leave in tutelage regions politically backward, as from a wish to disfranchise the regions that had shown themselves particularly radical. This entailed, accordingly, the reduction of the representatives from the large urban centers, hence eighteen of the cities that had formed separate constituencies were merged with the rural regions, and towns in addition were divided into two *curiæ* in order that the landowners and property owners might outvote the proletariat. In the seven largest cities, where radical feeling was unusually strong, and where the proletariat, by superior organization, had been able to send its representatives to the Duma, elections were made direct, apparently in the hope that the new system would multiply parties and disintegrate the efficient organization of the working classes. The Poles were deprived of 61 per cent. of their seats, the Caucasus of over 65 per cent. of its representation, Central Asia and the Transcaspian steppe region were entirely disfranchised, and

all Asiatic Russia was given only fifteen representatives, half of those chosen from the region east of Lake Baikal being representatives of the Cossack armies.¹⁹

But in addition to the reduction of total representation and its subdivision of electoral areas to secure the preponderance of Russians, the law went further and markedly reduced the number of peasant electors, while doubling or even tripling the number of the electors from the landed gentry. Thus assuring *a priori* the preponderance of voters in sympathy with the aims of the government, it was unnecessary for Stolypin or his successors to manipulate the elections; a "safe" majority was returned for both the third and the fourth Dumas.

The work which these two assemblies accomplished, while in no way spectacular, was not without significance. Having learned in the first and second Dumas that an attempt to settle the vital points of constitutional relationships between the sovereign, the ministry and itself was bound to end in disaster or dissolution, the Dumas under the law of 1907 sought to avoid direct conflicts with the government, and to work out slowly, by legislative cooperation with the bureaucracy, the prerogatives which they might assert *de facto*, if not *de jure*. In the long dull decade between the dramatic dissolution of the second Duma and the outbreak of the March Revolution of 1917, the Duma earned its right to exist, and struck root in the national consciousness. Till his death in 1911, Stolypin used the subservient Duma with its Octobrist and Conservative majority to pursue a middle course between the bureaucracy and the Constitutional Democrats.

The net gains of the third Duma were the extension of primary and secondary education, the reform of the army and navy, the revamping of the methods of local administration of

¹⁹ The virtual disfranchisement of Asiatic Russia after it had had a taste of political liberty was a measure of far-reaching consequence, although its importance went unnoticed for the moment. Much of the subsequent movement for Siberian autonomy if not independence, the whole movement that culminated in the setting up of the Far Eastern Republic, may be traced originally to this drastic step taken by the autocracy in its last efforts at self-defence. Once that the outlying regions of the empire had been deprived of their representation, the impetus toward ultimate autonomy and decentralization was furthered.

justice and the undertaking of two important projects savoring of state socialism—the inauguration of a scheme of state insurance for workingmen and the extension of state credit to the various municipalities. Only one crisis of import arose, and there Stolypin weathered the storm by proroguing the Duma for three days, while he published, under the provisions of Article 87 of the fundamental law, a law extending the zemstvo system of local government to the western provinces or gubernii of the empire. Notwithstanding this difficulty between the legislature and the ministry, the third Duma fulfilled its term and came to a peaceful ending.

Its successor, elected in 1912, was even more conservative and innocuous in appearance, as the government, following the assassination of Stolypin, had turned its back on the Octobrists, and consorted with the Nationalist and Reactionary groups, who this time composed the majority. Tolerated, but frequently ignored, the Duma marked time until the outbreak of the war, learning by association with the bureaucracy the actual processes of legislation and administration and assimilating much that was essential to the conduct of parliamentary government, should the day of control by the Duma ever arrive. The party lines between government and opposition were rigidly drawn and a new discipline in the ranks of the different party groups gave the leaders an increasing show of authority. It was a period of preparation, of girding the loins for a renewed contest with the autocracy. Kokovtsev, an inconsequential bureaucrat, came and went from the political scene as President of the Council of Ministers. Then, on the very eve of the war, in February, 1914, the aged Goremykin, who had destroyed the first Duma, returned to imperial favor and became President of the Council of Ministers.

The outbreak of war in 1914 served momentarily to defer the final struggle, evidences of which were appearing on the surface even as the war-clouds gathered. The mobilization was conducted amid general enthusiasm, and the border nationalities on the west, who in almost all instances had historic scores to settle with Teutonic Europe, were fervent in their protestations¹⁶ of loyalty, which were loudly voiced in the Duma. Superficially

it appeared as if a short, victorious foreign war, that might liberate Slavic brethren in the Central Empires, would redound to the credit of the dynasty that had built up imperial Russia, and restore the prestige of the Czar.

But as the months passed by and only suffering and misery ensued, with no prospects of military victory and no prospects of liberty were the allies to be triumphant, war-weariness affected the army and the masses, while at the court were enacted the last scandalous and inglorious scenes of a decadent society. In vain the Duma called upon the government to act efficiently and back up the armies at the front; the only change in the government marked the retirement of Goremykin and the entry on the political stage of the sycophantic Stürmer, the protégé of the Czarina, and the half-mad Protopopov to trifle with the destinies of empire while the country trembled on the brink of the abyss of social revolution.

In the face of this maddening inaction, Reactionaries, Moderates and Octobrists joined with the intelligentsia and the socialists to demand change. The peasantry and proletariat, saddened by war and sobered by the abolition of the vodka traffic, eagerly snatched at the ideas that offered panaceas for their troubles. Plainly, the days of the autocracy, of the Romanov dynasty, of the courtiers and servile bureaucrats, were numbered. The ruling classes had been weighed in the balance and found wanting. The days for constitutional development, for orderly evolution of political liberty, had come and gone, but none in authority had paused to read the handwriting on the wall.²⁰

²⁰ On the Revolution of 1905 and the period covered by the Duma cf. Blinoff, J., "Le Tsar" in *Revue de Droit Public*, Vol. XXII, pp. 545-553 (1905), Bronshtein, Leon (Trotsky) 1905; Harper, S. N., *The New Electoral Law for the Russian Duma*; Miliukov, P. N., *Constitutional Government for Russia*, and, with others, *Russian Realities and Problems*; Palme, A., *Die Russische Verfassung*; Pares, Bernard, "Reaction and Revolution in Russia" in *Cambridge Modern History*, Vol. XII; Seymour, C. and Frary, D. P., *How the World Votes*, Vol. II, Chapters XXVI, XXVII; Struve, Peter, *Loi Fondamentale de l'Empire Russe*,—a draft liberal constitution; Törrngren, Adolf, *L'Evolution de la Russie pendant 1904-1907*; Vinogradoff, Sir P., *Self-government in Russia*; Witte, Count Sergei, *The Memoirs of Count Witte*, translated by A. Yarmolinsky,—extremely valuable for its revelations of the internal constitutional struggle of 1904-5.

CHAPTER II

THE MARCH REVOLUTION: CONSTITUTIONAL REPUBLICANISM

THE OUTBREAK OF REVOLUTION: *Devolution or Revolution?*—*The Revolt of the Duma*—*The Revolt of the Guards*—*The "Vacancy of Power"*—*The Provisional Committee of the Duma*—*Abdication of the Czar*. THE PROVISIONAL GOVERNMENT AND ITS PROGRAM: *Initial Achievements of the Revolution*—*Foreign Policy and Recognition*—*Internal Policy*—*The Petrograd Soviet and the Soviet Hierarchy*—*The Soviets and the Provisional Government*—*Party Changes*. THE PROVISIONAL GOVERNMENT AND THE NATIONALITIES: *Attitudes of the Minor Nationalities*—*The Provisional Government and Finland*—*Poland Under the New Régime*—*The Baltic Provinces*—(1) *Estonia and Latvia*—(2) *Lithuania*—*The Caucasus*—*Ukrainian Separatism*. CONSTITUTIONAL PROJECTS: *Bourgeois Constitutionalism*—*The Proletarian Program*—*The Problem of Home Rule*—*Defencism and Defeatism*—*The Crisis Over Foreign Policy*—*End of the First Coalition*—*Failure of the All-bourgeois Régime*. THE BOURGEOIS-SOCIALIST PHASE: *Pivotal Role of the Petrograd Soviet*—*The Second Labor Coalition*—*Its Compromise Program*—*Breakdown of Military Morale*—*The Question of Ukrainian Autonomy*—*The Third Coalition*—*"The Daily Renunciation of Power."* THE KERENSKY RÉGIME: *Kerensky's Opportunity*—*The Fourth Coalition*—*The End of Defencism*—*The Moscow Conference*—*The Triarchy*—*The Seventh of November*.

THE OUTBREAK OF REVOLUTION

THE end of Czarist autocracy, whose overthrow appeared increasingly inevitable, might have been compassed in either of two ways, from above through devolution or from below through revolution. The change might have come, as has theretofore been the case in all outstanding reforms since Peter the Great, from above, and there were not wanting far-sighted persons in the imperial family who warned the Czar of the perils to the dynasty and the nation from the excesses of autocracy in the midst of a war for national liberation. Grand Dukes and Grand Duchesses knelt before the sovereign, imploring him to heed the voices that called to him from all parts of the country for governmental change. But the Czar was in reality impotent to

act. He was completely under the domination of the Czarina, whose sole purpose in life was to pass on to her son an unimpaired authority. Directly or indirectly, she forestalled the Czar's actions and suppressed whatever generous motives might have prompted him to grant real constitutional reforms. Thus the voluntary delegation of imperial authority to men who possessed the confidence of the country or the Duma never took place. The demand of the progressive bloc in the Duma for a "ministry of confidence"—a step analogous to that which resulted in coalition war cabinets in other countries—was repeatedly rebuffed, and the avenue for reform in the manner begun unsuccessfully in 1905 was definitely and, it appeared, permanently closed. The Czarina begrudged the Duma what little authority it possessed, and hoped, at an opportune moment, to secure its dissolution.

Meanwhile, the prorogation of the Duma, when its interpellations began to be inconvenient, was resorted to, and it accepted this expedient all too submissively at the end of 1916. But when the Czar, through a ukase signed at the instigation of Prince Golitsin, Protopopov's successor, sought, at the beginning of March, 1917, to prorogue the Duma once again, the exercise of imperial prerogative had gone too far, and the Duma, though acting with great trepidation, refused to obey the decree. In vain its president, Rodzianko, besought the Czar to retrace the steps he had taken and to issue a new constitution; telegram after telegram made its way to headquarters,¹ but the sovereign did not act. Then, when the tocsins of revolution had sounded from a different quarter, Rodzianko, monarchist though he was at heart, saw that it was too late to expect reform from above, either through voluntary concessions or through a palace revolution which would have changed monarchs, and turned to the only other alternative possible—the union of the forces of the Duma with the mass movements of the people. The prorogation of the Duma was not itself the *cause*, it was the *occasion* for the revolution. But just as the attempt of Charles I to suspend the sittings of the Commons was destined to precipitate the revolution and the Commonwealth, so the step to prorogue the

¹ See Document 1.

Duma, taken once too often, led to the immediate downfall of the autocracy. The refusal of the Duma to dissolve marked on its own part quite as much a defiance of imperial authority as did the revolts of the regiments in the streets of Petrograd.

The outbreak of a great revolution with popular cries for bread, accompanied by revolts of troops against their superiors is not confined in history to the Reveillon riot and the revolt of the Gardes Françaises. Just as these two phenomena converged to bring about the downfall of autocratic power in the France of 1789, so in the Petrograd of 1917 the bread riots along the Nevsky Prospekt and the revolt of the Preobrazhenski Guard together consummated the downfall of the Romanovs. The cries for food were raised by the half-starved, half-frozen populace of the great capital whose hunger was due to the breakdown of the transportation system for which the ministers of the old régime were fully responsible. The revolt of the guard was the instinctive response of the Slavie soldiery to the plight of their defenseless kinsfolk. A sullen determination to have done with such a state of affairs, and the guard turned against its officers.

Thus the revolution began in the streets of Petrograd, while in the halls of the Tauride Palace the members of the Duma were forced to acknowledge the utter political bankruptcy of the old régime. Once face to face with the situation, the party leaders were compelled to find a solution. Many in the Duma had hoped for the overthrow of the autocracy, but the suddenness of its collapse amazed them. On the other hand, once the army had mutinied and cast off the imperial authority, it was leaderless and sought to find in the Duma those who could guide and direct the revolution. To the men who had been temporizing with the autocracy, the suddenness of their victory was dazing, and only the vigor and quick action of Rodzianko saved the day for the Duma.

The primary revolt against the old régime was the work of the people and the troops; the revolution was in every sense a mass movement, blind and inarticulate in many ways, while the Duma's dilemma, which it solved by revolt, was distinctly secondary to the crisis in the streets of the capital. Nevertheless,

Rodzianko, feeling that the power of the sovereign to direct had gone, threw himself into the breach to organize anew the machinery of control, and appointed initially an executive committee of the Duma, comprising its president and vice-president and leading representatives of the Nationalist, Octobrist, Progressive, Cadet, and Social Revolutionary groups. This committee, forming a temporary directorate of twelve, representative of all the parties in the Duma except the Reactionaries and Conservatives of the Right, marked the first stage of the evolution of a new executive authority to direct the affairs of the nation.

In order to gain the support of the populace and the troops which had already revolted, the "Provisional Committee of the Duma," as the directorate now called itself, issued, over Rodzianko's signature as president, a proclamation announcing that it had been compelled to assume power in order to re-establish order, and appealing to the community and the army to aid in the creation of a government of popular confidence.² A later proclamation, issued on March 13, urged the citizenry to maintain calm and public order pending the reorganization of the governmental machinery.

Such were the immediate acts of the provisional committee. It was a group of the intellectual leaders of the nation, sensing the need of immediate change, yet throughout acting with unusual caution. Guchkov, leader of the Octobrists, though a member of the committee, joined with the members of the parties of the Right in one final futile appeal to the Czar to restore order by reconvening parliament and appointing a ministry that would agree to rule with the consent of the deputies of the Duma and would be responsible thereto. But the time for reform had passed, and the Duma was popularly regarded as hopelessly misrepresentative of the opinion of the nation. When no reply came to the appeal, Rodzianko delegated Guchkov and Shulgin, head of the Nationalist group, to secure the Czar's abdication.

Before they left on their historic mission, however, a provisional government had been formed under the presidency of

² See Document 2.

Prince George Lvov, and the portfolios apportioned among the parties as follows: 7 Cadets, 3 Octobrists and 1 Social Revolutionary. On being confronted at Pskov with an accomplished fact, the Czar abdicated without demur, at the same time waiving the right of the Czarevitch to the throne in favor of the Grand Duke Michael,³ who, in turn, renounced the regency, pending the convocation of a constituent assembly, "elected on the basis of universal, direct, equal and secret suffrage," and its final decision as to the form of government.⁴ Before the abdication, however, the Czar signed two ukases appointing the Grand Duke Nicholas as generalissimo, and Prince Lvov as the President of the Council of Ministers. Thus, though there was but the empty form confirming the established fact, the formality was carefully gone through, in order that there might be no doubt in the mind of Russia's allies that imperial sanction had been given the provisional government.

THE PROVISIONAL GOVERNMENT AND ITS PROGRAM

In the brief compass of five days, the revolution had been consummated, and the autocracy utterly overthrown. But with the overthrow of the Autocrat of All the Russias, there came the task of building up an effective substitute political authority, and here the provisional government, though composed of men of the greatest political ability in the Duma, of men who had fought through the preceding decade to establish constitutional government in Russia, was confronted with almost insuperable difficulties.

One of the most pressing and important problems confronting the provisional government was that of defining its foreign policy. To meet this problem, Prince Lvov called upon Paul Miliukov to accept the position of Minister of Foreign Affairs. On March 18, Miliukov sent to all the representatives of the Russian government abroad a circular giving an official Cadet version of the revolution and outlining Russia's position.⁵ The existing provisional government, he declared, had been constituted "on the initiative of the Duma of the State, which holds

³ See Document 5.

⁴ See Document 6.

⁵ See Document 7.

full power." Russia would, he said, in its foreign policy, remain faithful to the international engagements entered into by the old régime, would keep closely to the policies of the allied governments, and continue the war, fighting side by side with them until the end. In a separate proclamation to the people, the government reaffirmed this position.⁶

These pronouncements having served to make clear the continuity of legal authority and the purpose of Russia to continue the war, the provisional government received the prompt recognition of her allies, Great Britain, France, and Italy, and also that of the United States, though the latter was not yet a belligerent.⁷ Once recognized by all the Great Powers with which she was at peace or in alliance, the recognition of the new régime by other governments, both belligerent and neutral, followed quickly. So far as the outside world was concerned, Russia had little to fear.

Internally, the first problem facing the new cabinet was that of establishing a common program of action. There was no longer any need of safeguarding the prerogatives of the autocracy, or of diluting royal with popular authority. In the hands of the new cabinet lay a theoretical plenitude of power and there were no constitutional restrictions upon its authority. In default of the Czar, the provisional government itself assumed his ordinance making power and the right to decree reforms from above. Hence its program as enunciated on March 16 granted an immediate general amnesty, restored the bill of rights of the constitution of 1906 without reservation, abolished in principle all social, religious and national restrictions, decreed universal suffrage for local governmental bodies, promised speedy preparations for a constituent assembly, and the substitution of a national militia for the obnoxious secret police.⁸

It will be noticed that the appeal enunciating this program was one directed to the people as citizens, and not as subjects. Hence by implication the monarchial régime was discarded; and

⁶ See Document 8.

⁷ Recognition came from the United States on March 22; from the other allied governments on March 24.

⁸ See Document 4.

though the nature of the new government was left for the constituent assembly to define, the proclamation accepted implicitly the theory of republicanism. Recognizing that the October Manifesto and the constitution of 1906 were out of keeping with the existing régime, the program distinctly specified the fact that the make-up of the cabinet was such as to assure the entry into power of men possessing the confidence of the country. Finally, as no mention was made of the Duma, the proclamation merely left the provisional government as an executive governing without a parliament. In short, the program removed restrictions and made promises to be fulfilled in the future, but did not, in itself, complete the framework of the governmental structure. This obvious gap in the ministerial program was a tacit admission that the government was not entirely its own master, and that the lack of a controlling and supervising body must be compensated for in some fashion or other. This complementary rôle fell to the Petrograd soviet.⁹

This unique body, revived on the outbreak of revolution to become the most potent force in the new régime, was originally the body directing the revolutionary activities of workmen in 1905. Organized at that time with the distinct object of over-

⁹ Although a detailed consideration of the soviet structure must be reserved for later discussion, a preliminary realization of its mechanism may be of value here. The word *soviet* is the Russian word for council, and may be used interchangeably therewith. The Petrograd soviet, as may be noted from Document 3, was a spontaneously organized body of some 2,000 delegates "elected" in different ways, by factory workers, peasants and members of revolutionary military units. A "soviet" presently came to be the typical revolutionary body for discussion and action all over Russia. Soviets were formed everywhere, in the factories, at the front, in the rural and urban regions, and represented all political parties, though chiefly, and increasingly, the Left groups. Thus they were made up largely of Cadets, Social Revolutionaries, Mensheviks and Bolsheviks. The Cadets appear to have rapidly dwindled in influence in these bodies, though the Bolsheviks were initially only weakly represented in most soviets, the bulk of their members being Social Revolutionaries and Mensheviks. The Petrograd soviet, being nearest the center of action, rapidly became the leading force among the soviets, and the one from which all others all over Russia took their cue. In the course of the revolution, there grew out of these basic local soviets, soviets in the larger administrative units of the old empire, to which representatives were elected by and from the lower units. Thus there came into being the hierarchy of soviets, originating in the All-Russian Congress of Soviets.

throwing the existing order and bringing about revolution, political and social, it had held the revolutionists together, forming not only a forum for the propagation of their views but a medium for the administration of revolutionary orders. Composed then of representatives of merely the working classes, it had proved sufficiently menacing to the social order to come under the absolute ban of Witte, who arrested its members wholesale, secured their conviction and exile or execution, and sought thus to crush the organization utterly.

But the lessons taught to terrorists and extreme socialists by the affairs of 1905 were not forgotten.¹⁰ The informally organized conciliar bodies which had proved useful for organizing and stimulating revolutionary opinion were not abandoned; rather were they made the prototypes for other councils in the March revolution—councils based on the participation alike of soldiery, peasantry and urban proletariat in the common deliberations on policy and administration. As vehicles for party organization, the councils formed an excellent means of integrating the strength of the workers. The district, regional and national councils which soon came to be formed had the symmetry of form and efficiency of organization which permitted their pyramidal grouping into an ascending series culminating in one final national authority at the top. The further virtue of these arrangements was one of discipline, in that they made it possible to control a great series of councils through the wishes of the party leaders at the top. Thus the theory of conciliar, or soviet organization, was particularly fitted for giving effect to the will of a relentless and extremist minority.

It was on the basis of the foregoing theory that the Petrograd soviet was resurrected in the March days of 1917, to gather into its midst, not only the radical intelligentsia of Petrograd, but, progressively, large contingents of deputies from the various military detachments and from the factories of the capital. The significant fact is that the formal organization of the soviet came about on the very day when the Duma was declared prorogued, hence the claim set up by the leaders of the soviet, that it was a popularly chosen, representative body destined to re-

¹⁰ Cf. Trotsky's 1905.

place the Duma. The flexibility of the soviet, where the representatives of all revolutionary factions aired their views without restraint or formality, did much to canalize the surge of revolution, and permit the gradual elaboration of a consistent program. In its first pronouncement the soviet declared its fundamental task to be "the organization of popular forces, and the struggle for the final consolidation of the people's government in Russia" and such it remained in fact till the end of the bourgeois régime and the beginning of the November revolution.

The tactics pursued by the soviet were dual: they involved, on the one hand, the continuous supervision and criticism of the work of the provisional government, whose program had received its preliminary approval, and on the other, the organization of local soviets and committees to take over the management of all local affairs. In this latter and more modest work, the people were asked to join without delay. In actual fact, the first rôle played by the soviet was as perilous to the foreign and international policy of the provisional government as the second rôle was damaging to its internal policy. By openly advocating policies at variance with those of the government, the soviet undermined its prestige in the field and abroad; by the organization of local soviets, the actual competence of the government was progressively withdrawn. Thus almost inescapably, there arose that duality of organization, that division of political and administrative authority, which, in the end, proved the undoing of the provisional government.

The revolution had begun almost simultaneously in the streets and in the Duma, and each group had established its new political institutions: the provisional government received its initial orders from the executive committee of the Duma, but was forced ere long to come to terms with the irrepressible soviet. It did so by incorporating as its minister of justice Alexander Kerensky, the brilliant young leader of the *Trudoviki*, or Group of Toil, in the Duma, who had, as a Social Revolutionary, been elected vice-president of the Petrograd soviet. In his person there was bridged the chasm, political as well as social, which yawned between the conservative Duma deputies and the extremist elements in the soviet. In attempting to

bring about cohesion between the provisional government and the turbulent group of workers' and soldiers' deputies, Kerensky filled a heroic and growingly tragic rôle. As time passed, it became obvious that no man, however gifted, could control the masses, and gradually the provisional government was forced to capitulate to the soviet.

Such were the difficulties of internal organization between the provisional government, with its predominance of Constitutional Democrats, and the soviet, with its array of Mensheviks, Bolsheviks and Social Revolutionaries. The extreme reactionaries and monarchists having virtually ceased to exist, the Octobrists and Progressives now became the extreme Right, while the Cadets, who had, as a brilliant center party, guided the revolution of 1905 to its conclusion and consolidated the meager gains of the October Manifesto, were now considered as definitely among the parties of the Right, as "capitalists," "imperialists," and defenders of the subservient Duma. In addition to the foregoing parties, only a fringe of Social Revolutionaries accorded the provisional government meager support, while the mass of the populace, indiscriminately believing all parties in the Duma to have been tools of the old régime, tended in increasing degree to repudiate the leadership which the deputies of the late Duma provided.

In reality, the old parties had ceased to have a *raison d'être*. There was no room under the new régime for the defenders of autocracy, and the October Manifesto had ceased to have political significance. There was no long struggle in prospect between the champions of inherited prerogative and the leaders of political liberalism in a rejuvenated Duma. That body fulfilled its historic purpose with the revolt of Rodzianko at the outbreak of revolution, and from that time on it never formally met. All but a dozen of its members had been non-socialist, and the revolution left only a rump of unrepresentative deputies. From the standpoint of the populace, the only body representative enough to merit a voice under the new arrangements was the soviet.

There was, however, the prospect of a constituent assembly. Under the circumstances, political leaders began to look forward

to its eventual meeting and to recast their party policies and programs to suit the altered political situation. Agrarian parties began to spring up in the form of peasant groups and unions, while the bourgeois leaders sought to create one great Democratic-Republican bloc to safeguard their interests as opposed to those of the other social classes. Unhappily, such an entente or agreement proved impossible, and the various bourgeois groups fell back upon a highly individualistic system of organization—this in the face of a disintegrating social structure and an ever-nearing class war. Perhaps it was the very dissolution of the ties that bound the old society together which prevented the federation of the bourgeois elements; in any event, it soon became obvious that the opportunity for leadership had passed out of the hands of the middle-class parties.

THE PROVISIONAL GOVERNMENT AND THE NATIONALITIES

In addition to the weakness of the bourgeois parties, other groups that had acted on a liberal program in the Duma now withdrew their support from the provisional government. Deputies had come to the Duma from the very fringes of the empire; now, after the outbreak of revolution, the beginnings of separatist movements took place, and the Finnish, Polish and Baltic deputies returned home to set their houses in order for the political reconstruction that must inevitably ensue. The deputies from the Ukraine returned to Kiev and Odessa to take counsel with their constituents, and presently a pronounced movement for national autonomy was resurrected. The Ukrainian press took on a new and more aggressive life, and propaganda for an ever-increasing degree of autonomy was fostered by Austro-German intrigue. In the Caucasus the revolution was accepted with outbursts of joy; and for the moment the loyalty of the various nationalities could not be questioned. The Georgian leaders in the Duma, Tchkhaidze and Tsereteli, became leading lights in the Petrograd soviet and sought to advance moderate socialistic views such as had been familiar to Georgia since the revolution of 1905. The Tartar and Moslem leaders, on the other hand, being large landowners and having conserva-

tive interests, cast their lot with the Constitutional Democrats and awaited with patience the agrarian reforms which the constituent assembly would undertake. Accepting as inevitable some reform which would deprive them of their lands, they hoped, along with many of the Russian gentry, to postpone the evil day as long as possible. In a word, the border nationalities tended to concentrate their attention upon local problems and to recall their leaders from the nation's capital to look after local interests.

There was no doubt, throughout the country, as to the acceptability of the new régime; it was universally hailed with acclaim, and the officials of the old order were imprisoned, while democratic directorates were set up to administer the affairs of the government or region. The chief feature of this transition was its orderliness and the willingness with which the masses accepted the orders of the new revolutionary authorities. Everywhere the joy of a new-found freedom was sufficient to overcome local jealousies and strife, and only slowly, as the mass of the nation and the different border nationalities realized that the power of the autocrat was gone and that authority could never, in future, be so concentrated, did the beginnings of regional separatism come to light, to menace the integrity of the new Russia.

The nearest and most pressing case was that of Finland. The incorporation of Finland into the Russian Empire had never actually taken place, as the Czar remained to the last Grand Duke of Finland, and the union, in legal theory, was strictly personal. As a matter of fact, however, Finland had been subjected to the processes of russification quite as readily as if incorporation had actually taken place. The urgent need was that of bringing about a readjustment of relations with Finland, and this the provisional government did not hesitate to do.

On the day following the abdication of the Czar-Grand Duke, it sent a Duma member, Roditchev, as Minister for the Affairs of Finland to Helsingfors, to come to terms with the Finns and inaugurate the new régime there. On his arrival at the Finnish capital, he ordered the arrest of the Czarist governor-general Baron Seyn, as well as that of the vice-president of the adm^{ir}

istrative department of the Finnish Senate, the notorious Borovitinov. On the 20th, Kerensky ordered the release of the Finnish nationalist leader, Judge Peter Svinhufvud, from the prison at Tobolsk, whither he had been sent into exile by the old régime. Finally, on March 21, only a week after the provisional government had taken office, it appointed Michael Stakhovitch, an Octobrist, as the new governor-general, and issued a manifesto confirming the old Finnish constitution of 1906, ordering its application, and granting amnesty to all the political prisoners of the old régime. The Finnish Diet, whose sessions had been suspended by the Czar's government, was summoned to meet April 4. On the basis of these prompt achievements, Miliukov was able to say, on March 25, that Finland, thanks to the restoration of her constitution, had become the sincere friend of the provisional government. The policy of the provisional government was further amplified in a statement made by Miliukov on the opening of the Finnish Diet:

It will have the right to take the initiative in new legislation and will be absolutely free in its acts, as regards the Finnish budget. It may modify the form of government in case it judges it necessary, should new circumstances arise. In a word, the entire and complete autonomy of Finland will henceforth be maintained. Thus the misunderstandings existing between Finland and Russia will cease. The most ardent desire of the provisional government is to see the best and most cordial relations established between the two countries.¹¹

This will avail for the moment to define the relations established by the new Russian government with Finland. As yet the Finnish Diet had not met; no indications were available as to the official views the Finns would take of their relations to Russia; but it was not without significance that the man who spoke of the "relations established between the two countries" was the minister for foreign affairs. Even initially the statement presaged separation. What the actual outcome of events as in the ensuing period will be discussed separately for Fin-

Le Temps, April 5, 1917, 2:3.

land.¹² For the moment, straightforward, democratic, and amicable relations were entered into with the late Grand Duchy.

With the Poles, the provisional government dealt differently. At the same time that the Finns were comforted by Rodichev, the Poles sent a delegation to Prince Lvov, asking him to outline for them the attitude which the new régime would take. Affirming their loyalty to Russia, they asked to be assured as to the status of Poland. Prince Lvov, in return, assured the delegation of the new government's sympathy and announced that Poland would be assured the same liberty and equality which Russians enjoyed. To this pronouncement of the premier, Kerensky added his own emphatic approval. On March 25, a committee of the Polish Democrats issued a proclamation voicing their national aspirations. "The democratic classes of the Polish nation," they said, "have always aspired to the *independence* of their mother country and to the establishment of a new régime in Poland through a constituent national diet." Here the cry for independence was at once raised. Since, both in the lands of the Central Powers and in the United States, the "independence" of Poland had received official sanction in various pronouncements, the Russian government could not promise less.

But before the provisional government could act, the soviet, on March 25, issued an appeal to the Polish nation, declaring that the Polish people had the right of complete independence both from the political and the international viewpoint, and wishing them success in the adoption of a republican and democratic régime.¹³ There could be no doubt now that "independence" must mean separation from Russia and not merely the widest degree of autonomy.

On March 30, 1917, the provisional government issued its long awaited proclamation. Pointing out the illusory character of the guarantees received from the old régime and the irrealizable promises of the Central Powers, it announced "the creation of an independent Polish state, formed of all the territories of which the majority of the population is Polish." The relations of the future Poland to Russia were further defined

¹² Cf. Chapter VI, *infra*.

¹³ *Le Temps*, March 31, 1917, 1:6.

as involving a "free military union" whereby Poland would be "a solid rampart against the pressure of the Central Powers." Whether the provisional government consciously realized it or not, its Polish policy fell entirely into harmony with French plans for the creation of Poland as a buffer state against German hegemony in Europe. As regards internal policy, the Poles were to be left free to arrange their own scheme of government through a Polish constituent assembly to be convoked at Warsaw. However, the provisional government insisted that it would lie with the Russian constituent assembly "definitely to consolidate the new fraternal union" and to assent to the necessary territorial modifications involved.

Such was the provisional government's pronouncement. In making clear its policy it sought to detach from the Central Powers those Poles to whom Austria had shown more leniency than had the Czar's government to its Polish subjects, and thus definitely to cause the Poles to turn toward Russia in expectation of a speedier realization of their liberty. There is no doubt that the provisional government thereby not only gave assurances of genuine autonomy and civil liberty (whatever the ambiguous content of "free military union" might involve) but offered more substantial guarantees than had yet been forthcoming from the Central Powers in their relations with the Poles. The appointment of a Russo-Polish liquidation commission under Alexander Lednicki, a leading member of the Moscow Polish colony and a former member of the Duma, was announced simultaneously with the issuance of the provisional government's manifesto. This marked a more serious endeavor to build up an organization than the Central Empires had yet attempted in their efforts to deal with the Poles. The liquidation commission was to comprise representatives of the different Russian ministries as well as those of several Polish organizations. Jointly these were to liquidate all Russian institutions functioning in Poland, and to take stock of whatever artistic works or valuables had been removed from Poland by the former imperial authorities. Further, the commission was to define the relations between the Polish state and the Roman Catholic Church and draw up regulations regarding mobilized men of

Polish origin who were subjects of enemy countries. Such, however, were only specific items of the agenda intrusted to the commission. It was the endeavor of the provisional government, according to Prince Lvov, to endow the liquidation commission with full power to clear up the accumulated misunderstandings between the two countries and peoples.

As the commission was endowed with plenary jurisdiction, there should, in principle, have been no difficulty in settling the most formidable problems that required solution. Nor was the provisional government mistaken in its program. To the end of its short tenure, the relations of the Poles to the new régime remained friendly, and the work of the liquidation commission, begun on April 29, 1917, proceeded initially without difficulty. With the inception of its work, however, Russo-Polish relations ceased to be domestic, and became international. From that point, therefore, the relation of the Russian government to that of Poland, demands separate discussion and treatment.¹⁴ It is needless to add that the decisions of the provisional government were heartily acclaimed by Poles in Russia and by many abroad, though in the Congress Kingdom,¹⁵ in Prussia and in Austria this pronouncement was viewed, naturally enough, with considerable skepticism.

The problems of Finland and Poland were not, however, the only ones which the provisional government was called upon to face. Similar demands presently confronted it from the Caucasus to the Baltic. From a double motive, the provisional government first devoted its attention to the Baltic provinces: first, that of pacifying the nationalities and making sure of their loyalty, and, second, that of preventing these regions, bordering on the enemy and in part under enemy occupation, from becoming the hotbeds of German intrigue. It was ill-concealed from the world that Germany aimed at the establishment of new

¹⁴ Cf. Chapter XIII, *infra*.

¹⁵ The term "Congress Kingdom" refers to the "Kingdom of Poland" created by the Congress of Vienna and given to Alexander I. After the Austro-German advance in 1915 almost the whole "Congress Kingdom," while technically Russian, was *de facto* in the possession of the Central Powers. Its inhabitants were "Russian Poles" but obviously not the Poles left in Russia proper.

German principalities in the Baltic, whose populations German-Balt rulers had long held in subjection.

By the end of March demands had come from the Lettish and Esthonian peoples for the creation of an autonomous region for each. Those of the Esthonians were modest, and included merely the plan for grouping together administratively the various regions inhabited by Esthonians. Accordingly, by a law of April 12, the provisional government divided the historic government of Livonia into two parts, leaving the northern half to be grouped with Esthonia proper in order to create a homogeneously populated unit, while the southern half, predominantly Lettish, was left untouched. This satisfied the Esthonian population but failed to meet the demands of the Letts for the creation of an autonomous Latvia. In neither case, however, was there as yet an open movement for anything more than autonomy. Only much later, when the provisional government had disappeared, were the Baltic provinces forced to determine definitely the constitutional relation which they would assume towards Russia proper.

For the moment, then, the provisional government conceded a measure of autonomy. In Esthonia it provided for the abolition of the old Landtags of the nobility and for the creation of a single National Council, to which most of the administration of the country, under a high commissioner, was made responsible. Of Lithuania, the other Baltic province of the old empire, little need be said here. The country being entirely under German occupation there was no immediate political problem to be solved, while the Lithuanian leaders who were still in Russia counselled against the creation of separate military contingents, though declaring in the same breath "that the Lithuanian nation has a right to decide its own destiny and that a national constituent assembly ought to be convoked at Vilna." However slight the prospects of Lithuanian liberation may have been at the time, the Lithuanian leaders were bent upon having their intentions kept perfectly clear, and pressed upon Prince Lvov their desire to see both Prussian and Russian Lithuania constituted as an autonomous state under Russian protection. The provisional government readily assented in principle to these

demands and gave solemn assurances to the Lithuanians that their national desires would be respected.

From other quarters, principally the Caucasus, came similar demands for autonomy, to which the provisional government made similar replies. In the Caucasus the Georgians were the first to sound a discordant note, and to demand, on the basis of historic tradition, racial differentiation, and the terms of Georgia's treaty of alliance with Russia of 1783, "the re-establishment of its entire independence and the restitution of its ravished historic riches."¹⁶ The Armenians, however, given no opportunity to side with any but their legal protectors against the onslaughts of the Turks, and utterly impotent to assert their independence against both Russia and Turkey, stayed submissively within the Russian fold and sought in no wise to inconvenience the provisional government.

The foregoing examples impressively illustrate the far-reaching constitutional problem which the provisional government was called upon to face. It had to recognize the fact that the fringe of border nationalities was the principal danger to the territorial unity and integrity of the Russian state, and that it must follow a policy which should conciliate the nationalities and yet retain their loyalty, which should permit self-government and regional autonomy without impairing the territorial and administrative unity of Russia. Unfortunately the provisional government was swayed by contradictory impulses. The first was to grant full-fledged political autonomy; the second, to retain a strict administrative control. But the governmental leaders were not in a position to appreciate or understand the problem of separate nationality and the peculiarly sensitive psychology of the border peoples, who would be quick to take umbrage at the least misstep on the part of the government. The path of least resistance was delay, and the provisional government took it, only to rue later the demoralizing results of its temporizing policy.

The place where separatism was least expected but proved most formidable, not only for the provisional government but for its successors, was in the Ukraine. The "borderland" of

¹⁶ *Le Temps*, May 4, 1917, 2: 2.

the westernmost confines of the empire and fringing the greater part of the Black Sea coast early became the seat of a separatist movement which proved peculiarly embarrassing, and with which the provisional government waged a protracted struggle. While presenting itself first as a simple problem of regional autonomy, the Ukrainian nationalist movement, aided and abetted from abroad by all too sinister German and Austrian sources, gradually developed into a serious test between the centrifugal and centripetal tendencies in Russia, in which the provisional government was bound to suffer defeat.

The demands of the Ukrainian parliament, or *Rada*, were the immediate cause of the exodus of the Cadets from the provisional government in July, 1917; it was the Rada's move for definite independence which was the culminating factor in compassing the overthrow of Kerensky. After the inauguration of the soviet régime there followed the period of so-called Ukrainian independence, a period of fierce civil strife between bourgeois and Bolsheviks, of foreign occupation by Germany, then by Poland, before its final reconquest in 1920-1921 by the Red Armies. It is impossible to recount the Ukrainian movement in detail here, nor is it necessary to enter into the heated disputes as to the motives and methods of the Ukrainian nationalists. The important fact to be remembered is the vitality of the nationalist movement and its outstanding political significance to all the successive governments in Russia. Had the Ukrainian movement remained within the orbit of constitutionalism and not assumed international proportions, the course of the Russian revolution might have been decidedly different; as it was, the movement rapidly rose from a minor political and cultural problem to a point where it became a vital concern for the integrity of the Russian state. In the end, because the Ukraine was denied general recognition by the outside world, the Ukrainian nationalist leaders were forced to turn to Moscow for support, and found ultimately, in the Union of Socialist Soviet Republics a place for the realization of Ukrainian nationality.¹⁷

¹⁷ On the Ukrainian nationalist and separatist movement there is an extensive literature, much of which is outspokenly propagandist and essentially ephemeral. The residual part, surveying the nationalist move-

CONSTITUTIONAL PROJECTS

When viewed in retrospect, the policies of the provisional government with regard to the reorganization of the former empire are distressingly vague. Its Octobrist elements and some of the Constitutional Democrats were insistent upon the retention of a centralized organization, merely erecting on top of the fallen monarchy a constitutional parliamentary republic with an elective president, such as obtains in France. It was at no time thought that a president should be directly elected. The idea of government through a responsible ministry was taken for granted, and the prospect of governing in accordance with the will of a directly elective parliament was welcomed. From the first these party elements deplored the duality of governmental authority which the Duma-born provisional government and the Petrograd soviet shared, and sought to find eventually in the constituent assembly relief from the situation. When the constituent assembly should meet—always at some nebulously distant date—the basic problems of national organization could be taken up in greater detail and debated at length. No one thought of creating a new constitution or solving the fundamental agrarian reforms in less than two years. So the salvation of the country through a constituent assembly was postponed by the bourgeois groups to the Greek calends, and meanwhile the processes of dissolution went on. The problem

ment more objectively in its various forms, embraces, *inter alia*, the works of Michael Hrushevsky, the eminent Ukrainian historian: *Abrégé de l'histoire de l'Ukraine*, *Geschichte der Ukraine*, and *Die Ukrainische Frage in historischer Entwicklung*; and such works as A. Choulguine, *Les Problèmes de l'Ukraine*, covering the period 1917-1919; P. Stebnitsky, *L'Ukraine et les Ukrainiens*, and Stanislav Dnistrianskyj, *L'Ukraine et la Conférence de la Paix* (1919). Michael Łozinski's *L'Ukraine Occidentale* gives a history of the Western Ukrainian Republic, during 1918-1919 and his *Die Revolutionäre Ukraine* treats of the earlier phases of the autonomist movement. An excellent geographical study of the Ukraine is Stephen Rudnitsky's *Ukraine: the Land and its People*, (1918). The official views of the Ukrainian leaders in the independence movement are given in the *Mémoire sur l'indépendance de l'Ukraine, présentée à la Conférence de la Paix par la délégation de la République Ukrainienne* (1919) and *Notes présentées par la délégation de la République Ukrainienne à la Conférence de la Paix*, (1919).

of administrative reorganization, of devolution of some of the authority monopolized by the Czar and the bureaucracy, was never seriously approached.

Where the bourgeois groups sought a happy egress from their difficulties in vacillation and delay, the radical and proletarian parties felt the urge to immediate and drastic action. For the first weeks after the revolution, while the bourgeois leaders were masters of all they surveyed, and before the real revolutionary leaders whom Czardom had made exiles had returned, the peasantry and soldiery in general were willing to allow the problem of land distribution and constitutional reorganization to be left to the constituent assembly, in the expectation that that body would presently meet.

Even the first All-Russian Congress of Workers', Soldiers' and Peasants' Soviets, meeting in mid-April, urged that these fundamental reforms be left to the constituent assembly, which it wished summoned as soon as possible. In its scheme of constitutional organization, general elections by universal and equal suffrage of all over twenty years of age, including men in the army, were to provide the constituent assembly which, in turn, should determine the political régime of Russia and the fundamental laws. That body should then consider the agrarian question, draft new legislation and revise old laws on labor, nationality questions, local self-government "and all questions of an international character." However, pending the final enactment of reforms by the constituent assembly, it proposed the immediate confiscation, without restriction, of crown, church and monastery lands for peasant use, the suppression of classes and titles, and the radical reorganization of the local government system. Manifestly, between such a program and the modest constitutionalism of the Octobrist-Cadet group, there yawned a chasm which a constitutional government could hardly bridge. Then, when the real revolutionary leaders arrived on the scene such programs as the constituent assembly was to settle eventually were pushed forward for immediate solution, and by the soviets, not the provisional government.

^{ci}In view of this alignment of party forces and programs, no cut decision on any question was possible. The bourgeois

parties looked to some form of home rule on British lines for the localities of various parts of the old empire, seeking by that panacea to allay the claims of autonomy and nationality of Russians and non-Russians alike. Indeed, varying degrees of home rule, ranging from a sort of dominion self-government for Finland and a similar arrangement on a more modest scale for Esthonia to the simple substitution of its own nominees for the bureaucrats of the old régime in the regular units of local government were the only remedies that the provisional government could propose till the constituent assembly convened. Otherwise the action of the provisional government was not constructive; it was doomed by inertia and acquiescence to become the instrument of dissolution, the unleasher of disintegrative forces.

In any grave crisis such as the conduct of an exhausting war, the prime requisite for governmental vitality and action is a concerted program. The provisional government lacked such a program domestically, and the problem confronting it in the domain of foreign policy was infinitely more critical. The initial pronouncements of Miliukov had revealed that it was not the intention of the bourgeois leaders to renounce the program of the Czar's government. Accepting the burdens of the commitments of the empire, the new government was unwilling to renounce its claims to the Straits, or to break the engagement made to the allies not to bring about a separate peace. To the bourgeois leaders and the believers in constitutional government a German victory meant not emancipation but reenslavement. Hence the view was taken by leaders of all shades of opinion, from Rodzianko to Plekhanov, the militant revolutionary exile, that a policy of defence was the only way out for Russia.

But between the bourgeois leaders and the great mass of the nation there was, as became increasingly evident in domestic policy, a great gulf fixed. To the peasantry the war had become wearisome, and the continuous succession of defeats, the infinite losses in men and material, produced demoralization, desertions and indiscipline at the front. The terrain was ripe for the sowing of the seed of disruption, and the extremist Bolshevik leaders were not lacking to sow tares while the provisional government slept. Accordingly, the increasingly critical issue between the

bourgeois and the proletarian groups concerned war aims. To the bourgeois leaders Constantinople was worth the sacrifices that an allied victory would involve; to the peasantry and the war-weary masses both in the rear and at the front Constantinople and the Straits seemed very far away, and too intangible a will-o'-the-wisp to die for. When, in addition, it was pointed out to them that peace, land and bread could be had for the asking, that there were just as great war-weariness and sense of the futility of sacrifice on the other side of the battle line, that now that the monarchy had gone there was to be peace between the revolutionary proletariats on both sides of the battlefields, the credulous soldiery and peasantry and proletariat were seduced.

Thus it came about that the magic formula of "peace without annexations or indemnities," produced by the revolutionary exiles on their return to Russia, bore rapid fruit, and led to a crisis in the provisional government which terminated in the resignation of Guchkov, the minister of war, and Miliukov, the minister of foreign affairs. In the first clash over war aims between the bourgeois provisional government and the Petrograd soviet, in mid-May, the victory was not for the provisional government. Henceforth, in the second cabinet under Prince Lvov, considerations of internal policy, such as the Ukrainian movement, were increasingly to dictate what the war aims and the military and foreign policy of the country should be, and the program of the government was to be largely prescribed by the soviet.

Before estimating the consequences of the change of ministry, which revealed all too clearly the sources of real governmental power in Russia, it is fitting to note what were the actual contributions of the first provisional government and its bourgeois coalition to the liquidation of the Czarist régime. In the first place, the provisional government had ended any discussion of monarchy; it had razed the house of Czardom to the ground and leveled the debris that was left. Without openly proclaiming the republic, it had sketched a program looking to responsible parliamentary republicanism.

Its concrete achievements had been few: like any purely

middle-class government it had devoted itself to a program of liberation and emancipation, trusting that by removing the obstacles of a legal nature to the self-emancipation of the Russian people, the natural vitality of the Slavic race and of the other national minorities might be turned into new channels to work out, around the existing local governmental institutions its own destiny and self-development. In this the provisional government did well, and none of its adversaries could deny it credit for removing the legal anachronisms from the Russian body politic. But it had stopped there. Into the economic field it did not dare venture. It had not even provisionally attempted a solution of the land problem, or to give any assurances to the soldiery that their economic well-being would be cared for by the state after the war. In short, it had done nothing constructive.

And in failing to produce new institutional forms around which the life of the nation could re-shape itself, it had permitted the revolutionary spirit to embody itself in the soviets, to which the soldiery, proletariat and peasantry had spontaneously rallied. Thereby it had given evidence of "the daily renunciation of power," as its ultra-conservative critics pointed out. In their eyes, the first renunciation had been made by the Duma, which abdicated its position of commanding authority in the first hours of the revolution and so made possible the constitutional dualism of the provisional government and the soviet. By retaining a preponderance of bourgeois leaders whose views were markedly at variance with those of the soviet, it had produced in governmental circles a deadening paralysis, which grew daily more obvious. For government by executive action, this coalition of middle-class parliamentarians substituted government by resolution. The dilatory tactics of the Duma were transferred into the field of administrative action, and indecision, vacillation and weak compromise ensued.

On the other hand, the soviet, feeling itself hardly connected with the bourgeois coalition, could remain aloof, critical, destructive, preferring hegemony without responsibility to the compromises of a coalition cabinet. Such was the situation in Russia when the clash over war aims and foreign policy rendered a

further shift to the Left inevitable, and bourgeois domination of governmental policy a hopeless anachronism.

THE BOURGEOIS-SOCIALIST PHASE

The creation of the Second Lvov cabinet in May, 1917, was the result of the capitulation of the provisional government to the demands of the Petrograd soviet. This amorphous body, which had risen spontaneously in the first days of the revolution, had come in three months to possess far-reaching authority. It was no longer merely a deliberative assembly in which the views of the masses were revealed through self-appointed or precipitately elected leaders. It had begun to be the real center of national life and the place where the ideas of the revolution were being wrought out on the anvil of discussion at white heat. Here Kerensky came, bearing the communications of the provisional government, here also Tsereteli, the Georgian socialist, presented official views, but here likewise were propounded the views of the Social Revolutionaries and right- and left-wing socialists—elements not represented in the first bourgeois government.

In addition to this rôle as a public forum for the dissection of the questions of the day under proletarian dialectic, the Petrograd soviet fulfilled another purpose. It appointed numerous "sections" which were to be the nuclei of administrative activities. The prosecution of the war, welfare activities for soldiers and workers, the interests of the peasantry, the maintenance of communications all over Russia, the spread of revolutionary propaganda, preparations for the constituent assembly, all these were tasks to which the administrative committees of the soviet devoted themselves. Finally, sections were created on "international relations" and on "local government," showing that the intention of the soviet was to bring both the foreign affairs and the territorial administration of the country under its competence.

As the result of this expansion of its activities, the Petrograd soviet had come to occupy by mid-May a far different position than that which it held in March. It had come into being at

the same time with the provisional government, creating the unique dualistic régime already described. But while the provisional government had vacillated, and the bourgeois parties had atrophied or passed out of existence, while the Duma had disappeared and the attempt to assemble the representatives of all four Dumas had produced but a wraith of these defunct political organisms, the Petrograd soviet had increased in energy and vitality. It was, to be sure, extra-legal, but by coopting it into the governmental dualism, the provisional government had endowed it with some semblance of legality. When the May crisis came, it was the soviet which emerged victorious, and the Lvov cabinet was recast at its bidding. The original design of some of the founders of the soviet, to make it the watchdog of the revolution and the guardian of liberty till the constituent assembly should meet, now gave way to a second and intermediary stage in the soviet's development—a stage in which governments were formed and controlled more and more by the soviet. Thus it was that the program of the Lvov cabinet on its reconstruction was substantially the program of the soviet itself. The hands that wrote it were bourgeois, but the words were the words of the soviet.¹⁸

The new bourgeois-socialist coalition, enunciating its program on May 16, 1917, rejected all thought of a separate peace, but

¹⁸ The aim of the provisional government under the two Lvov cabinets to bring about democratic municipal and local elections on the basis of universal, equal, direct and secret suffrage was successfully carried out throughout those portions of Russia not occupied by the enemy. Thus it must be noted that democratic bases for local government were created under the bourgeois régime. Had the provisional government had sufficient courage, it would have provided for the simultaneous election of the constituent assembly to supplant the Duma. Its failure in this respect, by repeatedly postponing the constituent elections, was a lesson to both Germany and Austria a year later. It is not without significance that both these countries held constituent elections shortly after the revolutions of 1918. Thereby, in each instance, they defeated by promptitude the tactics of extremist elements which sought to profit by revolutionary confusion to advance the conciliar, or soviet, organization idea at the expense of democracy. Count Karolyi, in Hungary, vacillated like the provisional government, with like results. The lessons from bourgeois "masterly inactivity" in renewing the political authority of the government under trying conditions of military reverses are well worth pondering. Cf. *New Governments of Central Europe*, pp. 22, 25, 137, 144, 209, 213.

adopted openly as its aim the reestablishment of a general peace, "which shall not tend toward either domination over other nations or the seizure of their national possessions, or the violent usurpation of their territories," in short, "a peace without annexations or indemnities, and based on the rights of nations to decide their own affairs." Meanwhile, to prevent the victory of the Central Empires, every effort must be made to secure a military triumph. The army was to be democratized, while its military power was to be enhanced in every way possible. The breakdown of organization and transports was to be guarded against by governmental control, not excluding that of production if necessary, while labor was to be protected in every way possible. While nothing was to be done by way of distributing land to the peasantry, the government reserving that task for the constituent assembly, the increase of agricultural production was to be sponsored, taxes upon the wealthy classes were to be increased, efforts were to continue looking toward the introduction and development of democratic units of self-government. Finally, the constituent assembly was to be summoned as soon as possible, and every effort at counter-revolution or disorganization of the country was to be rigorously suppressed.

The program was a clear compromise, reflecting the cross-currents of opinion in the Petrograd soviet. The peace formula of the left-wing Social Democrats, or Bolsheviks, was adopted in the same breath as a declaration for the further prosecution of the war. The democratization of the army, which involved the renunciation of stern discipline, was to be effected while the military efficiency of the units was increased. In the industrial sphere state control—but a step removed from nationalization—had to be conceded to the socialists, while little more than lip service was paid to the agrarian reform so dear to the Social Revolutionaries. The pledges in regard to the constituent assembly and local government placated the bourgeois elements, particularly the Cadets, while the pronouncement against counter-revolution could be variously interpreted. This attempt at hybridizing so radically different ideas was predestined to be sterile, and it took but two months, from mid-May till mid-July, to demonstrate the inability of such a combination to articulate.

The principal factor in the overthrow of the second Lvov coalition was the rapid disintegration of the army. It is unnecessary to recount in detail the methods of defeatist propaganda which brought about the wholesale desertions, fraternization at the front, the abolition of discipline, of salutes, of the very essence of military organization. Suffice it to note the land-hunger of the *mužhik* soldier and his war-weariness after such stupendous and terrific sacrifices—sacrifices which had been rendered futile by intrigue in the army's higher command as well as by the deliberate neglect of the Czar's ministers to provide the adequate munitions and equipment. These and a thousand other factors, the release of pent-up emotion, the exhaustion and enervation of military defeats, the desire to see kinsfolk once more, led to the sapping of morale. But above all it was the propaganda deliberately introduced into Russia by the Central Powers—the propaganda of Lenin and his colleagues for the cessation of the struggle and for world-wide social revolution—which was the culminating factor in bringing about a realization of the futility of further strife. The objects of the war were not clear to either soldiery or peasantry; and the inability of the provisional government to define these in terms concrete enough to be understood still further undermined their morale. Finally came the offensive of July, 1917, brilliantly successful for a moment, and then turned into a disastrous rout. Once the army, as the visible embodiment of governmental power, authority and self-discipline was gone, the pathway to disaster became a broad avenue whereon an entire nation at large began its march to dissolution.

It is not of importance to note further the military disintegration save as it was complicated by other factors. For when the soldiery at the front began to speak of reorganization of military contingents according to the principle of nationality, the military problem merged into the wider one of the treatment of the nationalities of the empire, and produced an indescribable confusion. This was notably true in the case of the Ukraine.¹⁹ Whatever the sources of the Ukrainian national movement, its demands for the creation of definitely Ukrainian

¹⁹ Cf. pp. 53-55, *ante*.

contingents were hopelessly embarrassing to the provisional government. And when to the purely military demands were added those for political and administrative autonomy, the position of the coalition was seriously imperilled. The demands of the Ukrainian Rada, the focal point on which Ukrainian nationalism was centered, were such as to clash directly with the traditional constitutional viewpoints of the Cadets. Hence when Tereshchenko and Tsereteli, the two ministers of the provisional government who had gone to Kiev to deal on the spot with this spontaneous body of Ukrainians, returned in mid-July to Petrograd with signed and sealed concessions to the Ukraine, the last Cadet ministers resigned, to be followed almost immediately by Prince Lvov, thus ending the unhappy bourgeois-socialist coalition.

The July crisis of the provisional government was triple. It was, in the first instance, military, produced by the disasters at the front. In the second place, it was political, as revealed by the unwillingness of the Cadet ministers to work harmoniously with their socialist colleagues. The crisis over the relations with the Ukrainian nationalists was not so much the cause as the occasion for the split between bourgeois and socialists; friction had long been developing, and the program of the Cadets had long since gone by the boards. Therefore the unwilling partners in the bourgeois-socialist coalition separated, and the Cadets passed into the camp of the opposition. Last of all, the July crisis was social. It was accompanied by an armed uprising of the Bolshevik element in Petrograd which was almost successful and for the time being seriously imperilled the provisional government. Though it was put down by troops loyal to Prince Lvov, it merely marked that at this stage the Bolshevik elements had not yet rallied their forces in sufficient numbers to be able to perfect a *coup d'état*. Lenin himself acknowledged his mistake and took to cover, waiting for a more opportune occasion to seize power.

Under such circumstances, it was obvious to all that the gentle, mild, and well-intentioned administrator at the head of the provisional government, Prince Lvov, must be replaced by a man of greater vigor and capacity for action. What was needed

was a man of dictatorial power and commanding personality, a stern executive and one who could draw the masses of the people to him. In public estimation, Kerensky was such a man and it was he who now came to the fore to head a new and third coalition, more radical than that which had preceded it, and one in which the bourgeois elements gradually came to be negligible.

But Kerensky, however powerful as an orator, however ardent as a patriot, was not the man to cope with the problems of a Russia in the full process of dissolution. His bourgeois colleagues had failed him. There were no elements on which he could build a stable governmental structure, and he had no concerted, articulate group of the people to back him. The bourgeois elements hung back, afraid to assume the responsibilities of power in such an emergency. Some were already intriguing to start a counter-revolution; the Social Revolutionaries, whose characteristic indecisiveness of program had always been their chief bane in the Duma, and a fringe of Mensheviks were the only influential colleagues whom Kerensky could gather around him. Chernov, the minister of agriculture, would gladly have put through an expropriation of the lands of the nobility, clergy and large landowners without compensation, in order to placate the peasantry and bring them to the support of the Social Revolutionaries, but Kerensky and his colleagues hung back. "The daily renunciation of power" continued, and the very indecisiveness and irresolution of the provisional government played into the hands of those who were ready to risk all in their effort to seize and maintain power.

Lenin and Trotsky, resolute and implacable leaders, preaching social revolution and further disruption—military, diplomatic, political, and national—advocating class warfare and far-reaching economic experiments, continued increasingly to win the disaffected and war-weary populace, and the military detachments at the front. No longer was the slogan of the Bolsheviks confined to the simple formula of "peace without annexations or indemnities"; it had given way to the much more succinct and telling trilogy of "peace—land—bread." It was, as can now be seen in retrospect, the indomitable courage of the groups that

preached this simple panacea, which was destined to bring them in an incredibly short time to power.

THE KERENSKY RÉGIME

The March revolution, as has already been noted, was the work of the Constitutional Democrats and the Duma. It was supplemented by the activities of the soviet. Enough has already been shown of the relationships between these two bodies to demonstrate the necessity of changing from the awkward constitutional dualism of the all-bourgeois government to a more definite relationship between the soviet and the provisional government—in effect, the relationship between master and servant. The May crisis of the provisional government, evidenced by the exodus of the principal Constitutional Democrats, marked the first stage in this transfer of constitutional authority. The second stage was revealed by the July crisis, in which Kerensky came to the fore and attempted the creation of a government of public safety which should safeguard the fruits of the revolution, while capitulating to the claims of Ukrainian nationality. But presently, in seeking for supporters, Kerensky found himself alienating the bourgeois elements without making compensating gains among the Social Democrats. For three weeks, therefore, from July 20 to August 5, 1917, he hung in mid-air, conducting a government by harangue and political caucous in the expectation of being able to form behind him a solid political majority. Finally, a party conference provided him with the outward evidences of support, and he formed the fourth cabinet since the March revolution as a "Government of Defence of the Revolution."

It is impossible to recount the political manœuvres of the various groups save to note that the remaining Cadets whom Kerensky gathered to him in this fourth coalition came as individuals and no longer as representatives of the party. In both his cabinets of July and August Kerensky was the pivotal figure and was surrounded by a predominating group of Social Revolutionaries. There was no difficulty about the elaboration of a constitutional program; the program of the first and second

coalitions had fallen so far short of accomplishment that the principal objectives therein outlined still remained to be realized, and the real need was to find a coalition capable of fulfilling them.

But whatever else Kerensky might be, he was primarily interested in the defence of the country and the strengthening of the army; in short, he was a defencist, and his activities were turned toward the repairing of the breach which the failure of the July offensive had made. Hence, in the supreme anxiety of the moment every other reform was neglected and the election of the constituent assembly, which had been set for September 30, was put over to November 25; its opening till December 11. Thus the postponement of reforms and reluctance to bring together the constituent assembly marked a further stage in the continued abdication of authority and played directly into the hands of the Bolsheviks.

Nor, on the other hand, did Kerensky have the courage to restore the old discipline in the army, with the result that, as national dissolution proceeded, intrigues thickened in the high command, tending to some form of reactionary restoration. It is idle to speculate on the plans of intriguers whose schemes never matured; and the whole complex of political and military factors centering in the abortive Kornilov revolt may be passed over in silence. In reality but two important events took place in the Kerensky régime: the Moscow conference and the creation of a preliminary parliament.

Of the two the Moscow conference was by far the more significant. This gathering marked the endeavor of Kerensky to weld together out of the maze of conflicting opinions a common national consensus as to the course which the provisional government should take. Accordingly on August 26, 1917, there met at Moscow under the inspiration of the government a great assembly of over 2,500 representatives of all classes of the nation to air the political opinions of all factions and agree upon a common course of action. The result was distressing. All recognized the necessity of vigorous effort for the salvation of the country, but the direction which that effort should take was far from clear. Had it been possible for the conference to re-

assert bourgeois leadership or to formulate and agree upon a definite plan of defence, in all probability the country would have been spared the rigors of subsequent revolution, and the guiding genius of the March days of liberation might have been restored. Unhappily the sharp discord between bourgeois leaders, contrasted with the clear-cut unity of action and program of the Bolsheviks, prevented the reaching of a common consensus; and the Bolsheviks sabotaged the conference by deserting it *en masse*.

The Moscow conference was the supreme effort of Kerensky towards constitutional liberalism and evolutionary progress. It failed, and there was left no alternative for the rank and file of the nation but to follow the program of those who drove unceasingly at their one objective: the dictatorship of the proletariat. Hence it may reasonably be said that the Moscow conference marks the last stage of bourgeois endeavor to control the revolution; thereafter, it was left to the apostles of social revolution to hasten, and finally to consummate, the process of disintegration.

Following the failure of the Moscow conference Kerensky tried once more to perfect a political combination that might enable him to continue in office. At the instance of the executive committee of the soviet a "Democratic Conference" was convened in Petrograd on September 27, 1917, which, though not as large as the Moscow conference, was even more broadly representative of the masses of the nation. The net outcome was the creation of a new coalition, the last under Kerensky, and the formation of the "Provisional Council of the Republic,"²⁰ a body which soon came to be known as the Preliminary Parliament, being so named for the German *Vorparlament* of 1848.

Whatever may have been the intentions of its founders, the preliminary parliament was not destined to compose national feeling and iron out the difficulties that separated groups. There existed no underlying consensus of opinion as to the duties or nature of the government. The position of the bourgeois Cadets was that of dallying where precipitate action was needed; instead of decreeing land reforms immediately, constitutional

²⁰ See Document 22, *infra*.

niceties as to the competence of agrarian committees were discussed; on the other hand, the soviets agitated ceaselessly for drastic and immediate land distribution. Amid such widely differing attitudes the preliminary parliament floundered.

Meanwhile Kerensky's coalition, to which five Cadets had returned, was the object of the severest strictures. On one hand, according to the moderate socialist press, the Cadets demanded all power to the coalition at the risk of civil war; on the other, the soviet leaders demanded that they should be invested with plenary authority else they would unleash civil strife. Where could such wrangles lead except to civil war? Duma—dualism—dictatorship, such had been the three stages of the constitutional evolution under the provisional government; now there existed a more anomalous arrangement still: a triarchy in which cabinet, pre-parliament and soviet were the political contestants for authority. The pre-parliament, precisely because it embraced fundamentally hostile groups, was hopelessly divided and could realize nothing; the cabinet grew weaker daily; in the end there was no other alternative than to vest power in the soviets exclusively. Such was the unhappy lot to which Russia was eventually driven, both by the vacillations of the bourgeoisie and by the relentless program of Lenin and his adherents.

The end came on the seventh of November. By bold military action and rough-shod methods the provisional government was imprisoned and the pre-parliament dispersed by bayonets. The groups that had been working covertly to seize power now did so boldly and imposed their extreme program on the whole of Russia, even at the price of civil war. The moment was indeed auspicious, for the bourgeois groups, the Social Revolutionaries, and even the Mensheviks were politically discredited. The provisional government had been weighed in the scales of revolution and been found wanting in the courage and relentless drive that were essential to the social as well as the political transformation of Russia. It had heard the cry of the people for land, for bread and for peace, and had offered in return only vague promises as to what the far-off constituent assembly would do. By its masterly inactivity it had abdicated its position of power.

When the blow fell, the constitutional structure of the provisional government crashed like an empty shell. The golden dawn of opportunity which the bourgeois government had welcomed in March had but marked the beginning of a short and hectic day of power. It was high noon when the July offensive came; and now the brief day of constitutional liberty was over and the red glow of a new régime, which should extinguish for the most part the liberties that had been won on the overthrow of Czardom, was advancing. For the republic that had been the creation of Kerensky there was but dark night ahead.²¹

²¹ On this extremely complex period the bibliographical sources and references are naturally of differing value; some are extremely sketchy and all are at best full of gaps. A valuable guide throughout has been the *Bulletin Périodique de la Presse Russe*, as well as the files of the *Izvestia* after its inception. Ariadna Tyrkova Williams' *From Liberty to Brest-Litovsk* is one of the best reference accounts. A. J. Sack's *The Birth of the Russian Democracy* provides an interesting digest of men and events. John Reed's *Ten Days That Shook the World* is a very sympathetic account of the revolution in its convulsive stages, as is also E. A. Ross's *Russia in Upheaval*. Sir George Buchanan's *My Mission to Russia*, Vol. II, is of value on the initial stages of the revolution. A. F. Kerensky's *The Prelude to Bolshevism: the Kornilov Revolt* is a partial but interesting attempt at self-vindication. Of considerable interest from opposing points of view are Leon Bronshtein's (Trotsky) *Lenin*, and P. N. Miliukov's *Geschichte der Zweiten Russischen Revolution*. The numerous exclusively personal narratives of native Russians, testifying to the gradual breakdown of the moral authority of the successive coalitions, are here deliberately omitted.

CHAPTER III

THE DISINTEGRATION OF RUSSIA: THE COMMUNIST EXPERIMENT

THE WIDENING SCOPE OF THE REVOLUTION: *Phases of the Revolution—Industrial and Economic Breakdown—Political Disintegration—Military and Social Dissolution—The Throb of Social Revolution.* THE COMMUNIST SOLUTION: *World-wide Revolution—"All Power to the Soviets"—"The Dictatorship of the Proletariat"—The Doctrinal Foundations of Communism.* THE BOLSHEVIK BID FOR POWER: *Failure of Bourgeois Leadership—The Indoctrination of the Soviets—"Peace, Land and Bread"—The Incentive Moment.* THE NOVEMBER REVOLUTION: *Crystallization of Soviet Authority—The First Soviet Constitution.* BOLSHEVIK POLICIES IN PRACTICE: *Bolshevik Land Policy—Its Social Consequences—Bolshevik Peace Policy: Self-determination—The Peace of Brest-Litovsk—Allied Intervention and Civil War—Victorious Rôle of the Red Army—Failure of the World Revolution—The Cheka and the Counter-revolution—Bolshevik Economic Policy—Its Failure—The Need of a New Economic Policy.*

THE WIDENING SCOPE OF THE REVOLUTION

IN the preceding pages appraisal has been made of the endeavors of the bourgeois leaders of revolutionary Russia to build up during the conditions of flux that accompany every revolution the constitutional consensus and the institutional foundations without which no free government can stand. Failure of the provisional government to achieve either end has been noted; the forces, psychological and material, against which it had to struggle were too strong. Its failure to build promptly upon the solid rock of direct constituent authority left the provisional government without foundation, its fall, when swept away by the communist flood, revealed that it had built its triarchial house upon the sands. Meanwhile its adversaries had been razing every trace of Czaristic or democratic institutions—a task of destruction in which the very tide of revolution helped. In completing the dissolution of empire, they worked in harmony with the irresistible trends of the hour. In retrospect,

therefore, it can be seen that their assumption of power was the logical culmination of a natural process.

The triumph of the extremist elements in Russia in the fall of 1917 was the result of the disintegration of Russia. Such was the inevitable consequence of the Czarist régime, and the World War. Experienced observers in the Russia of 1916, in the days of Protopopov and Stürmer, had seen it foreshadowed in the breakdown of the transport system and the consequent bread riots that ushered in the March revolution. At first, then, the disintegration was economic. The industrial machinery and the transportation system of the Russian state were unequal to the strain.

In the second place, the breakdown was political. The consensus of opinion that had fused the nation into a patriotic whole at the outbreak of the war had gradually broken down with the strain of the military reverses, and the enormous bloodletting had weakened the national will. Even before the March revolution Russia was bled white. Naturally disaster produced disaffection, all the more so when it had been initially due to the intrigues at court. When the Czarist régime collapsed, with it went all the reactionaries and most of the Octobrists; the monarchy, the Duma, the Governing Senate, the Holy Synod, all the vital institutions which had been the arteries through which Czarist power flowed, disappeared beyond the possibility of recovery or restoration. The nobility, the landed aristocracy, the military retinues of the Czar, the clergy who had supported the autocracy, all progressively lost their power and passed from the political scene. It was left to the small group of bourgeoisie and intelligentsia to assert leadership, and presently these too renounced in part the responsibilities of power. The traditional rôle of a constitutional opposition in a defunct Duma could not be changed over night.

All the centripetal forces that the autocracy had represented, which had repressed increasingly the power and influence of the masses and the nationalities—these were gone, and the sudden release from their harsh confinement of the pent-up energies of the nation unleashed all the centrifugal forces of one hundred and seventy million people. The political collapse was fol-

lowed by other phases ever more ominous and far-reaching. Within the confines of Russia proper the provisional government, wishing to clear away the debris of the autocracy, pursued a course of administrative devolution by handing over to the regions not yet versed in local government the prerogatives of the *zemstva* and municipalities. In Siberia, in the Baltic provinces, this administrative devolution touched peoples of other nationality, and promptly accelerated the movements for autonomy. Thus the political distintegration grew from the concessions made by the provisional government to the minor, incorporated nationalities. Where but vague claims to nationality existed, territorial regionalism was put forward to mark the aspirations of given localities for extended authority. Thus, by incredibly confused and tangled processes, the economic and political disintegration became territorial, national and administrative.

With the entry into Russia of the revolutionists who had lived in exile and who had resolved to destroy not only Czarism but likewise the social régime under which Czarism flourished, the very structure of the Russian Empire trembled and military and social disintegration followed. In this situation—bred of centuries of oppression and monopoly of political and economic power by the few—were all the elements making for a far-reaching social revolution, and not merely for change in the allocation of political authority. Where such dynamic forces, alike material and intangible, were unleashed, it was impossible for revolution to be merely political; a fundamental social transformation must likewise take place. Nor was it to be expected that such change would come without bloodshed or without the oppression of those classes which had been the parasitic beneficiaries of the old régime. To even the score and wipe out in less than a decade the centuries of oppression from which Russia had suffered under Czardom, the remedies must be drastic, the reckoning remorseless. If, then, such was the objective of those who sought to destroy the old régime, the consequences of their accession to power could be calculated to involve the virtual extirpation of the dominant classes and of all those who had been satellites thereto. Nothing less than the complete de-

struction of the old order and the rebuilding of a new could compass the change which the zealots of social revolution sponsored and espoused.

The changes which dismayed the conservatives and middle classes, which alarmed patriots, which sapped the power of the armies and broke up the unity of the empire, were witnessed with unruffled calm by those who sought to smash the existing order. Not the staying of the impending breakdown but its acceleration; not the saving of precious relics but their wholesale destruction; not the confining of the holocaust but its dispersion—such were their dominant, conscious motives. It was necessary that the upper classes and the bourgeoisie be deprived of the perquisites of power, that their institutions be utterly ruined, that all things to which the old order had clung psychologically be shattered if a new creation and a liberated social order were to come into being. Thus it was that Lenin, as the leading spirit of the social revolution, could watch, on his return to Russia from exile, the rapid dismantling of the Russian ship of state, its gradual foundering, its complete break-up in the lashing waves of revolutionary fury. All this he saw as the irresistible onward sweep of a great drama whose inevitability he had long foreseen, whose final retributive triumph he had long predicted.

THE COMMUNIST SOLUTION

But to the leaders of Russian communism it meant more. It meant that the opportunity to raze to the ground the political and social structure which governed one-sixth of the entire globe had come to the apostles of communism. Moreover, if successful in inaugurating a communist experiment in this vast region, a world-wide social revolution might be unleashed, to shatter in every land the shackles of a capitalist order. For the success of this venture dynamic leadership and ceaseless vigilance, utter recklessness and unflagging will power were needed. These Lenin was ready to supply.¹

¹ Prepared by a lifetime of devotion to the cause of revolution, schooled in the stern realities of economic fact, steeled by the events of his childhood

But apart from the need of leadership, the social revolution presented the problem of a constructive, institutional side which was to replace the outworn but still existing order. In lieu of those institutions whose dissolution Lenin was altogether willing to hasten, new ones must be built up in the spirit and purpose of the revolution. These were to be found in the soviets.

As has already been noted, the soviets early became the chief institutional expression of the revolution. They sprang up with incredible rapidity all over Russia. Serving at first as centers for the clarification of a revolutionary program, they presently began to formulate widely divergent ideas, according as they represented peasant, military, industrial or bourgeois opinion. To correlate the activities and ascertain the wishes of all these irregularly chosen bodies, there met at Petrograd in April, 1917, the first All-Russian Congress of Soviets, made up of delegates chosen or "hand-picked" from the soviets in the gubernii, districts and villages in much the same way in which a national political convention is constituted in the United States. This first congress, though it deferred politically to the provisional government for the time being, proved a fertile ground for the propagation of extremist ideas, since it could be swayed more easily and "packed" more readily than a body directly elected by the populace. After the meeting of the first congress, the Bolshevik leaders launched the cry, "All power to the soviets," and set out to capture majorities in the local soviets by shrewd political tactics or intimidation. The hierarchy of soviets, from village to nation, closely paralleled the party machinery which the Bolsheviks already had in the strictly disciplined Social

into an implacable foe of the capitalist order, Lenin had returned to Russia undaunted and unafraid.

"With a short interruption in 1905, Lenin had spent more than fifteen years abroad. His feeling for reality, his instinct for the living, working human being had not only not diminished in this time, but on the contrary had been strengthened by the work of theoretical thinking and of creative imagination. By separate chance meetings and observations he grasped and renewed the picture of the whole. But still he had lived abroad in that period of his life in which he finally developed for his coming historical rôle. He arrived in Petersburg with a completed revolutionary point of view that was a résumé of the entire social, theoretical and practical experience of his life. And here first, on the living experience of the

Democratic party. They therefore sought to make universal a type of political instrument which they could control through the astute leadership of small yet resolute minorities. In the interval between May and November the Bolshevik leaders labored incessantly to swing the tide of popular sentiment in their direction and to acquire, by fair means or foul, a machine control over the entire system of soviets. With initial victory in the lower units, it became increasingly easy to control the higher ones. By November they had largely succeeded. From that time on, the Bolsheviks had in reality no need of the constituent assembly, as they themselves possessed the machinery for perpetuating their own authority.

Elementary in their simplicity of composition, the soviets of peasants, soldiers and workmen of all kinds, in all places possessed such a flexibility of organization, such a universality of appeal to the lower classes, that they were capable of serving well the purposes of the organizing genius of the revolution. That in the initial stages of organization the creation of loose and amorphous soviets in different localities and in the workshops would greatly undermine the political authority of existing local government bodies was never doubted. Such was the principal purpose of these conciliar groupings. Insofar as they actually withdrew political power and governing competence from the existing institutions of a bourgeois and capitalist régime they merely hastened the collapse of the old order. Hence came the slogan of the advocates of social revolution: "All power to the soviets."

But the function of the soviets was not merely that of de-

awakening working masses of Russia, the test was made of what he had gathered, thought over and made his own. The formulas stood the test." (Trotsky, *Lenin*, pp. 80-81.)

In the foregoing words the closest collaborator of Lenin, writing in retrospect after the latter's death assesses, from an intimate standpoint, the motivation of the man who was to be the guiding spirit of the social revolution and its principal theoretical exponent and practical executive. Written with an avowed purpose of portraying the leader at this incentive moment, the words of Trotsky may be taken as fairly indicative of the program which Lenin had matured while living under a capitalist régime, in exile. They reveal the man and the far-reaching program he had elaborated, and purposed to execute.

liberative assemblies. This was, of course, their first and most obvious purpose, but their less obvious rôles were electoral and administrative. Wherever organized on the basis of primary assemblies in factories or workshops or in villages, the soviets were entrusted not only with the formulation of local policy but with the election of representatives to the next higher unit and with the execution of the orders that came down from the decisions of higher and more influential bodies. This arrangement increased not merely the utility of the soviets but the ease with which they could be controlled. It was not difficult for the far-sighted mind of an organizing genius to note the immense potentialities of a hierarchy of such councils and to grasp the power of control that could be wielded from above in case a symmetrical system of soviets were to extend all over Russia.

If, in addition, the possession of political power in the basic soviets could be in the hands of a single political faction, the pyramidal structure of authority created by the successive selection of the most fervid partizans to serve in the higher soviet circles would bring an assurance of permanence of tenure and dictatorial dominion to those who should occupy the highest seats of authority. Lenin had not watched the revolutionary organizations of which he had long been a member without learning the efficiency of ruthless discipline and the unsullied loyalty which a hierarchical organization always produces in its inner circles. It was this scheme which he and his collaborators purposed to install throughout Russia in order to conquer political authority. For the leaden indifference of a Czaristic bureaucracy he would substitute the integrated administrative forces of a loyal network of communist soviets. For the complex curiæ of the old Czarist electoral order he would substitute a series of electoral colleges, in which the best disciplined and most loyal comrades to the cause of social revolution would always be victors.

The conquest of political power must be in the interests of the working classes; were any of the shrewd intelligentsia or the bourgeoisie to encumber this political structure, the efficiency of control would be impaired. Therefore not only was political authority to be monopolized by the soviets, but all who were not

toilers must be denied participation. In this dogma of the rule of the proletarian classes, of the creation of an ergotocracy, was to be found the primary purpose of the new régime. If hitherto only the exploiters, the imperialistic, militaristic, capitalist order had ruled, the new régime, which was to emanate from the unlimited authority of the toiling masses, must ban from the body politic those who were not themselves producers. In view of the previous undisputed dominion of the Czar, the nobility and the landlords over the toilers and the peasantry, a new doctrine, in keeping with the new régime, was put forward: the dictatorship of the proletariat. Political power, all political power, to the soviets; the soviets in the hands of the workers and these alone—such were the ironclad dogmas of the social revolution.

The doctrine was new only in its application: it was the pontifical dogma of Karl Marx, adapted in phraseology to the needs of the Russian masses and simplified, synthesized, integrated, by the intense and utterly bloodless thinking of Lenin. To the social revolution, the *Communist Manifesto* was the Gospel according to Marx; *Das Kapital* was equally canonical, and with these intangible sacred writings the Leninist dogmas were classed as Pauline expositions and epistles. Therefore what the accepted doctrines of the founder of the socialistic cult and the creator of the First Internationale did not include was provided by the writings of Lenin² and the approved tenets of his collaborators.

The doctrinal side of Russian communism had borrowed from one more source for its completion—from the international socialist conferences and writings during the war. The anti-war doctrines evolved during the conflict by the exiles in Switzerland and formulated at the now famous gatherings at Kienthal and Zimmerwald had condemned the war as heartily as had the

² It was Lenin who had first endeavored to estimate theoretically the rôle which the peasantry must play in the revolution, and sought by every means to gain the support of the *mužhiks* in order to have behind him the toiling mass of the nation. Others had made their pleas long before to the class-conscious working classes, and their work, from the doctrinal standpoint of the social revolution was not futile, but it was upon the conversion of peasantry that the success of the social revolution must be staked in Russia. This was one of Lenin's principal objectives in his writings.

speeches of Karl Liebknecht, and had attributed to international capitalism the devastating struggle, describing it as a blind conflict between masses of the people in the interests and for the safeguarding of the capitalist class. The continuance of the bloodletting in the interests of capitalism was therefore treason to the working classes. Everywhere, the ideologues of the social revolution imagined, the working classes would stand shoulder to shoulder with clear-seeing eyes and combat the infamous policy of wholesale slaughter for the sake of capitalists and kings. In this identification of economic plutocracy with political monarchy the dogmas of Bolshevism made indiscriminate warfare upon the palaces of capitalist magnates and the rulers of imperialistic States. "War on the palaces, peace to the cottages" became the slogan of the class war, to which the ringing words of the *Communist Manifesto* were added: "Workmen of the world, Unite!" The net effect of such doctrine was to insist on the international solidarity of the working classes as the best guarantee against war and the surest means for the extirpation of militarism.

Out of the agrarian program of Lenin, out of the general doctrines of proletarian dictatorship, out of the stern anti-militarism of the Kienthal and Zimmerwaldian programs, came the two mottoes destined to play so important a part in the development of the Russian revolution: "Peace, land and bread" and "Peace without annexations or indemnities." With these as the principal weapons of attack on the dying and disintegrating Czarist and bourgeois order the returning revolutionaries of the communist persuasion went forth throughout Russia in the summer of 1917 to preach their doctrine of class warfare in the face of the war-weary Russian proletariat.

THE BOLSHEVIK BID FOR POWER

The situation they faced was one unparalleled in the world's history. The vast populace of Russia, with a scant seven per cent. of its make-up distributed among the upper and middle classes, was looking for leadership from those who had come out of its own ranks. Leadership, for the moment, appeared to be

vested exclusively in the bourgeois and intellectual classes, who had served their apprenticeship in the Duma and had sustained, both in theory and in practice, the principle of a constitutional monarchy. The monarchy being gone, and their political programs having become obsolete, they nevertheless endeavored to shift their ground to suit the exigencies of the revolution and to seek new followings among the liberated classes. In vain! The bourgeois government created by the March revolution was, as has already been noted, a government based upon the support of the landed classes and the industrialist groups. It was under the delusion that the allocation of political authority could be completely altered without any serious impairment of their economic position. In other words, the leaders of the provisional government and the upper and middle classes supporting them, sought to restrict the Russian revolution to a purely political rôle, in order to prevent its impairment of their vested property rights. That is why the provisional government showed more and more hesitation in turning the land over to the peasantry, either directly or through land distribution committees; it is also the primary reason why the bulk of the supporters of the government were defencist—they feared the loss of their inherited property and rights. From the beginning, therefore, the possessing classes tried to check social manifestations of the revolution and to exert every effort to prevent their vested rights from disappearing in the general process of economic dissolution.

At the outset, the revolutionary bodies which had sprung up spontaneously had shown no eagerness to assume leadership, primarily because their principal leaders were abroad in exile. Thus the soviets,³ in the early weeks of the revolution, had countenanced the constitutional dualism previously described, finding it easier to criticize the actions of the bourgeois minis-

³ Outside of Petrograd the soviets which had been hastily improvised fell into three large classes, each of which reflected different, and sometimes irreconcilable, viewpoints and interests. At the front there were the soldiers' soviets, in which the prime questions were those in regard to the causes, the aims and the outcome of the war, coupled with the longing and desire for the distribution of land to those who had given their services in Russia's defence. In the villages and rural regions, the question

ters than to devise a program of their own making. For the most part, however, save in the large centers of mixed classes and population, the soviets were not thoroughly fused and did not represent a common viewpoint. The inculcation of the principles of the social revolution in all these bodies therefore became the principal objective of the returning revolutionary leaders.

The first step was obvious: to break up the isolation of the soviets by merging the different groups into a concerted system and creating one central body, already described, the All-Russian Congress of Soviets.

The second step was equally apparent: to adapt the plea of the apostles of social revolution to the particular group addressed. To the soldiers, *peace*, to the peasants, *land*, to the workers, *bread*; such was the force of the appeal which struck home to the primary psychological and economic interests of each group. What wonder, then, that by comparison the nebulous formulas and frigid emotional ideology of the provisional government were not borne in on the soldiers, the peasants and the toilers that made up nine-tenths of the nation. The provisional government offered a far-off panacea in the constituent assembly; the Bolshevik leaders offered immediate, concrete, tangible realities and promised effective possession of political and economic power, without scruples at the means chosen to secure it. If force were necessary, then necessity was the best vindication of force; if the provisional government were voluntarily to relinquish power, so much the simpler the task of the effacement of the upper classes.

This promise of concrete, immediate benefits and the unhesitating willingness to assume power were the principal weapons in the arsenal of Bolshevism. Lenin's was a Jesuitic faith, that the proletarian ends justified forcible means. Hence the con-

of land distribution was uppermost. The war and its objectives were secondary, although, peculiarly enough, the peasants' soviets were by far the least radical of all the groups. In the urban and industrial centers, the workers' soviets were far more outspoken and radical in their demands because the toilers had been partly organized into trade unions and had long since learned the fundamental articles of collectivism and the Marxian gospel. Their demands were put forth for workers' control of the factories and the processes of production and distribution.

tinuous and unflagging propaganda; hence the undermining of the military morale and the accentuating of economic disaggregation; hence the armed revolts of July⁴ as a preliminary bid for the assumption of power; hence the deliberate desertion of the Moscow conference⁵ in an effort to break up a national consensus. Last of all, the sharp and well-timed blow of the seventh of November⁶ that demolished the façade of the provisional government and effectively brought authority into Bolshevik hands. Where the other political factions had hesitated, Lenin and his colleagues rode ruthlessly to power, knowing that if they faltered, the dream of a proletarian commonwealth and a communist millennium would fail of realization.⁷

THE NOVEMBER REVOLUTION

It was this evaluation of the incentive moment and of the momentous forces behind it that made Lenin and his colleagues masters of the situation at the appointed hour. But for that hour there had been incessant preparation. The first All-Russian Congress of Soviets, previously mentioned, had been the first fruits of campaigning, and had done much towards leveling the ruins of the old régime, but had been too mild in its attitude to assume power. Lenin and his cohorts therefore

⁴ Cf. Chapter II, p. 64, *ante*.

⁵ *Ibid.*, pp. 67-68, *ante*.

⁶ *Ibid.*, p. 69, *ante*.

⁷ "Even a short time ago we heard the view expressed that if we had not seized the power in October (old style), it would have happened two or three months later. A big mistake! If we had not seized the power in October, we would not have seized it at all. Our strength before October lay in the uninterrupted influx of the masses, who believed that this party would do what the others had not done. If they had seen any vacillation at this moment on our part, any delay, any incongruity between word and deed, then in the course of two or three months they would have drifted away from us as they did formerly from the Social Revolutionaries and the Mensheviks. The bourgeoisie would have had a breathing spell and would have made use of it to conclude peace. The ratio of forces would have changed radically, and the proletarian revolution would have been postponed to an indefinite future. It was just this that made Lenin decide to act. From this sprang his uneasiness, his anxiety, his mistrust and his ceaseless hurry, that saved the revolution." Trotsky, Leon, *Lenin*, pp. 86-87.

turned their activities throughout the summer of 1917 to propaganda and waited till the eve of the assembling of the second All-Russian Congress of Soviets at the beginning of November, in order to execute on November 7, the *coup d'état* that should finish the death agonies of the provisional government and to face the second congress with an accomplished fact.

In so doing, he was resolved not only to end the farce of the triarchy of the provisional government, the pre-parliament and the Petrograd soviet, but to create with the aid of the latter a keystone to the pyramid of soviet structures in the form of the Council of Commissaries of the Russian people. Thereby the preparatory administrative rôles and functions that had been taken up by the Petrograd soviet could be quickly transferred to the new board of commissaries, and the authority of both the provisional government and the Petrograd soviet pass into new hands, freshly chosen by a far more thoroughly representative gathering of the people's deputies than the Moscow or Petrograd conferences or the pre-parliament.

The first constitutional result of the November revolution, therefore, was the creation of a Council of the People's Commissars, as the collegial executive of the new organization of soviet rule. The council presidency was given to Lenin while Trotsky was made Commissary for Foreign Affairs. From the communist standpoint the existence of an All-Russian Congress of Soviets supplied temporarily the need of a legislative assembly. The constituent assembly for which the provisional government had planned had not as yet come into being.⁸ To pro-

⁸ The attitude of the Bolsheviks towards the constituent assembly previously called by the provisional government is of peculiar interest as revealing the modification of Bolshevik policy according to circumstances. Initially the Bolsheviks berated the provisional government for not electing the constituent assembly more promptly. When they obtained power, one of their first acts was to advance the elections for the constituent assembly to November 12. The elections were duly held and the Bolsheviks were overwhelmingly defeated, despite the use of every kind of intimidation. Approximately 60 per cent. of the votes cast were for Social Revolutionary candidates; the Bolsheviks polled barely 25 per cent. The remaining seats went to Mensheviks and Cadets. The Bolsheviks were much chagrined over the outcome, as they had anticipated falling heirs to power through the constituent elections as well as through their *coup d'état*.

vide an organization that could assume some administrative duties and also provide a constant agency of control over the commissars, the Central Executive Committee of the All-Russian Congress of Soviets, with a membership of 250, was created. The first soviet constitution, in the form of a decree of November 30, 1917, merely provided for the relations of these bodies and consolidated in its provisional form the structure of soviet authority. Under its terms, in conformity with the decision of the second All-Russian Congress of Soviets, the Council of the People's Commissaries was made responsible as a body to the Central Executive Committee, to which all legislative acts and all measures of general political importance were to be submitted for examination and ratification. To guard against evasion of authority, each commissary was to report weekly to the Central Executive Committee to render account of the acts of his department, and interpellations, if signed by at least fifteen members of the Central Executive Committee, were to be immediately answered. In return for this direct responsibility, the commissaries were endowed with plenary powers wherewith to crush the forces of counter-revolution. The document was terse and simple, and embodied the essence of political vitality. The institutions thus created were not paper creatures but living instrumentalities. In the mad whirl of revolutionary complexity of events, simplicity of institutions was the cardinal virtue of an efficient régime. This the first soviet constitution endeavored to provide.

They forthwith began to question its utility, to menace it should it attempt to meet, arrested its organizing commission, and on January 16, 1918, forbade it to meet under penalty of being regarded as a counter-revolutionary body. Despite this prohibition, it assembled two days later, only to be dispersed by Bolshevik bayonets after an initial trial of forces had revealed a Social Revolutionary majority of 62 per cent. With the dispersing of the constituent assembly the last hope of legalizing itself was abandoned by the soviet government, and the prime cause for the civil war was brought into being. Thereafter the Mensheviks and Social Revolutionaries upheld the *de jure* authority of the legitimate constituent assembly as against the brutal usurpation by the soviets. *De facto*, however, power reverted to the All-Russian Congress of Soviets, its Central Executive Committee and the Council of People's Commissaries.

BOLSHEVIK POLICIES IN PRACTICE

The new government was as good as its word. It endeavored to realize in decrees issued immediately on its entry into power the trilogy of its promises. On the night of November 8 the decree abolishing property in land was issued, and all landed property transferred to the agricultural committees of the cantons and the soviets of the districts, pending the election of the constituent assembly. Crimes against property so nationalized were made crimes against the revolution, and offenders were made punishable by revolutionary tribunals. The instructions issued to the agricultural committees and the local soviets were not new; they had been formulated in September and published in the *Izvestia*, the bulletin of the Petrograd soviet. In many respects, therefore, the drastic decree merely confirmed the action which the Petrograd soviet, then the representative of communist opinion, had sponsored. By the terms of these instructions the right of private property in land was annulled forever. Land could not be bought or sold, rented or pledged, nor expropriated by any means whatsoever. All lands, including seignoral, appanage, crown, monastery, church, communal, peasant and other lands were made the property of the nation and passed to the control of the workers cultivating them.

By this far-reaching measure it was intended that land should become the property of the nation and be kept as such, the usufruct of the land going to the cultivator. It in no wise sought to establish private possession, which was the principal ideal of the peasantry, but attempted rather to socialize land and make enjoyment of its produce the reward of working, not owning, it. In so doing the law cut through the tangled legal intricacies which the old régime had created and which the provisional government did not dare touch, but it was predestined to be interpreted by the peasantry in a far different sense from that which the soviet leaders intended. *De facto* it simply confirmed the partial dispossession of the large landed proprietors, and gave *carte blanche* to the peasantry to proceed to new evictions and partitionings. Whatever, then, the literal phrasing of the

edict was, it was destined merely to change the ownership and possession of land, not to abolish it.

By one of the strangest paradoxes in history, the enactment of a land reform, giving rise to a new conservative middle class, was the work of the world's most radical government. The peasantry, in fact, appropriated the land, held on to it despite decrees or repressive expeditions of the commissaries, and in the end the latter were forced to capitulate. Today, it may be said without reserve that the nationalization of land in Russia remains as it has always been—a fiction. But the private property that exists in land is extremely widely distributed. The land that has fallen into individual possession of the peasantry remains theirs, and it is from the new class of independent small landed proprietors that the new Russia is being slowly rebuilt. But the giving of the land to the peasantry directly was the price which the Bolsheviks paid for power. Today power is still theirs and the land is the peasant's. In this manner, although not in the sense intended by the communists, the land-pledge in the soviet credo was fulfilled.

The second stage in the fulfilment of soviet policy related to peace. Here the ideals of the Zimmerwaldian program cut across the grain of Russian nationalism and patriotism, just as the peace without annexations or indemnities, coupled with the idea of the self-determination of peoples, was bound to lead to the partial disruption of the empire, and to the sacrificing of the intangible dogma of the unity of Russia. The empire was headed toward disruption when the Bolsheviks came into power, and it was not in their power to stop it. Nor did they see the necessity of doing so. The Czar's own government had sacrificed Poland in 1915 rather than let the invader crush the Russian lines; the provisional government had admitted in principle the idea of Polish independence; it was left to the Bolshevik government to subscribe to the doctrine of political self-determination.

Accordingly, in the famous Declaration of the Rights of the Peoples of Russia, on November 15, 1917, Lenin restated in even broader terms the formula of simple self-determination which the first All-Russian Congress of Soviets had evolved. As

the guiding principles of a nationality policy, Lenin accepted the equality and the sovereignty of the peoples of Russia, and "the right of the peoples of Russia to dispose of themselves, even as far as separation and the establishing of an independent state"; the suppression of all national or religious privileges and limitations; and the free development of national minorities and ethnographic groups inhabiting Russian territory. It was this far-reaching decree that accentuated the processes of territorial dissolution, and brought about the open declaration of Finnish, Esthonian, Latvian and Lithuanian independence as well as the final break between Russia and the Ukraine. Once the avowal had been made that separation and independence of the border regions were compatible with soviet foreign policy, the final incentive for separation was provided and the disruption of the unity of Russia became a legally established fact.

It was otherwise with the promise of effective and immediate peace. Although land for the peasantry and independence for the nationalities were to be had for the asking, by the unilateral action of the soviet government, in the making of peace with the Central Powers Russia was not the only factor to be considered. There were also Russia's allies, and the Central Powers. For Russia, for the revolution, even from the narrow viewpoint of the Bolsheviks, peace was a dire necessity, yet the allies were unwilling to make clear their war aims. Moreover, Trotsky's suggestions of a general peace, even if by negotiation, were left unheeded. The military disintegration of Russia now reached the point where not even a defensive action against the Central Powers could be contemplated. After a futile endeavor to persuade the allies to make a concerted peace, the Bolsheviks were forced at the end of 1917 to capitulate to the Central Empires at Brest-Litovsk.

The details of the Brest negotiations need not concern us here. They have long been known to the outside world. It is revealing, however, to note the stand taken by Trotsky before the military commanders of the Central Powers as the representative of the communist program of national self-determination and of mutual repudiation of annexations and in-

demnities. In the face of the most gigantic military combination which the world had yet seen in action, Trotsky hurled the defiance of the social revolution while the communist press called across the battle lines to the proletariat of the Central Powers to shake off the shackles of autocracy even as Russia had done. But the call was not yet heeded. Trotsky parleyed for time, hoping that the idea of world-wide revolution would penetrate the working classes of the Central Powers. Such expectations were vain and the military commanders who faced Trotsky at Brest-Litovsk were immune to pleas of renunciation and plans for national self-determination. Besides, the enemy held the whip hand, and Trotsky had been forced to go to Canossa.

For Germany the Brest-Litovsk peace was the last opportunity for mastery, and she exploited it well. Ruthlessly brushing aside the ideology of proletarian revolutionary musings, she demanded a "bread peace" first with the Ukraine and then with Russia herself. In the end, despite Trotsky's enigmatic formula of "neither peace nor war," the soviet government was forced to capitulate.⁹ By the Brest treaties of March, 1918, Russia gave up her Baltic provinces and Poland, made her peace for the time being with an independent Ukraine, and was reduced to the rôle of an Asiatic power, while the Austro-German combination ruled from Tammerfors to Tiflis.

It was an awesome sacrifice, and one intended to convince the proletariat of the Central Powers that the desire for peace on the part of the soviets was sincere. To save the revolution it required the sacrifice of the Baltic countries and Poland to "the Beast," as Lenin was wont to call the Hohenzollerns. Not for the perquisites of power, but for the continued opportunity to uproot the last vestiges of the old régime and implant in their

⁹ From his standpoint as Commissary for Foreign Affairs, Trotsky justified the Bolshevik policy in dispersing the constituent assembly, which, in all probability, would have been a defencist body. "The dissolution of the constituent assembly," he says, "meant for the Germans our avowed readiness to end the war at any price." *Lenin*, p. 105. Certainly the Germans would have found a Menshevik or Social Revolutionary government much more intractable. From the Bolshevik standpoint, therefore, not only the internal necessities for the retention of power, but those imposed from outside, drove the soviet government to conclude peace.

stead the new strong growths of communism did the commissaries of the Russian people sign the humiliating peace of Brest-Litovsk. It was not a peace of their own choosing, nor did it salvage much of their original peace program, but it avoided the overthrow of the soviets, and laid the bases of the Austrian, German and Hungarian revolutions. Trotsky fought at Brest-Litovsk with purely spiritual weapons, with the ideology of social revolution, against the cold fact of military victory, much as Brockdorff-Rantzau fought for a democratic peace a year later with similar results against the imperialistic combination that imposed a Carthaginian peace at Versailles. The justification of Trotsky's stand from the communist viewpoint was not in the humiliation of the moment, but in the red flags in Kiel, Berlin, Vienna and Budapest scarce eight months later. In any event the impalement of Russia upon the iron rod of Germanic militarism was not without its vicarious consequences in the history of Central Europe.¹⁰

It is not necessary here to recount the consequences of the peace of Brest-Litovsk in the relation of Russia to the Central Empires. That the peace failed to produce its fruitage; that in the end the Central Powers were compelled reluctantly to disgorge their ill-gotten and quite unassimilable gains; that the chapter closed so irrevocably at Brest was reopened unexpectedly on the Marne, are commonplaces. Let it suffice to note that the unpardonable sin of defection from the ranks of the allies was destined in the next two years to bring about in the allied countries far-flung endeavors at intervention and encirclement of the Bolsheviks, as if, in the long run, a *cordon sanitaire* of bayonets could quarantine the bacillus of social revolution! The policy of intervention so blindly pursued by the statesmen of "capitalist" countries was destined to utter failure, as is witnessed by the names of Koltchak, Judenitch, Denikin and Wrangel.¹¹ It was only when the policy of inter-

¹⁰ For a detailed analysis of the Bolshevik peace program and the Brest negotiations, cf. Dennis, A. L. P., *The Foreign Policies of Soviet Russia*, Chapters I and II.

¹¹ The beginnings of the allied policy of intervention came with the enforcing of the blockade maintained against the Central Empires and Russia as well, the moment that Russia appeared likely to make peace. Here the

vention was ended, that the real beginnings of Russian reconstruction came about.

Meanwhile, from 1918-1920, the policy that the allies called intervention was merely the external aspect of Russia's far-reaching civil war. The dispossession of the upper classes, the extirpation of the groups that favored a return to monarchy and the privileges of the old régime, was not accomplished without a violent struggle unsurpassed in violence in the history of revolutions. Had the Bolshevik régime been content to dispossess the landowners only, it might have had the support of the peasantry and the Social Revolutionaries. It could then have cowed the bourgeoisie and left a servile bureaucracy in power. But the resistance encountered from the functionaries and the bourgeoisie to the program of the abolition of private property of whatever character made imperative a thorough purging, a complete turnover in the personnel of the bureaucracy. Thus the *chinovniki* were dispossessed of their official posts in order to make way for a highly disciplined communist bureaucracy, whose fidelity to the cause of the revolution was above reproach, and who could be counted upon, as a militant organization, to carry out the domestic program of communism with unrelenting vigor.

motive was purely military. Next came the allied intervention in North Russia to prevent Germany from getting access to the White Sea as a base for submarine operations. From this point interventions developed rapidly at Archangel, Odessa and Vladivostok. Initially, these were mere defensive actions to protect the "loyal" population of the regions from Bolshevik misrule. Such they remained until the collapse of the Central Powers, whereupon the allied governments preferred to work against the Bolsheviks by supporting local armies definitely counter-revolutionary in their nature. Thus the allies gave their support in June, 1919, to the All-Russian Government established at Omsk by Admiral Koltchak, formerly commander of the Imperial Black Sea Fleet; to General Denikin, operating in South and Southwest Russia; to General Wrangel, the last of the reactionaries, who operated in the Crimea and the southern Ukraine till the end of 1920 with monarchist contingents; to General Haller, and the Ukrainian hetman Simon Petliura, who used Poland's undefined frontiers as a pretext for repelling the Red Armies with allied aid—ending in the disaster to the Polish armies at the height of the Russo-Polish war of 1920; to General Judenitch, once a Russian commander in the Caucasus, who undertook in the fall of 1919 a mad dash to Petrograd on behalf of the so-called "Northwest Government of Russia," riding rough-shod over the Esthonian army and government

In addition, it became essential for the success of the communist revolution to establish a Red army, to defend the proletariat against all enemies, domestic and foreign. This was the task to which the soviet government turned during the brief months of respite in 1918 following the Brest peace, and under the organizing genius of Trotsky developed despite overwhelming difficulties a powerful fighting machine.

Used first to put down domestic insurrection and counter-revolution, the Red army became, along with the *Cheka*, or Extraordinary Commission, the principal mainstay of the soviet government, and eventually expelled from the various borders of Russia the armies of reactionaries which had sought and obtained the support of the allied governments. The Red army, therefore, may be said to have been the principal agency of the revolution in consolidating the political power and extending the territory ruled by the soviet. It was due to that army that during 1919-1921 the three centers of malignant separatism, in the Ukraine, the Caucasus and Siberia, were once more brought under communist control.

As regards Europe, the Red army was not so successful. The first attempt to spread the gospel of communism by the sword, through Finland, at the end of 1917, was a dismal failure, due to

till he was repulsed at Gatchina in late October; to General Mannerheim, a Finnish reactionary, who, till the end of 1920, kept the Bolsheviks at bay in Eastern Finland and Eastern Karelia; and to a number of local chieftains in Eastern Asia. When military operations had come to a standstill early in 1920, the allied governments lifted the blockade and began feverish commercial negotiations, while leaving the governments of the border states to make their own settlement. The fruits of this "policy of scuttling" on the part of the allies led to the treaties of Tartu, Moscow, Riga and Dorpat with Esthonia, Lithuania, Latvia and Poland, and Finland respectively, which are discussed under their appropriate countries. With the withdrawal of allied support, naturally the remaining "loyal" armies came to grief. The "democratic" programs of the various generals had been artificially imposed by the allies from the beginning, and lacked the appeal to the native populace which only sincere believers in representative government could have given. A salient discussion of the lessons of the interventions is given in Paul Miliukov's *Russia Today and Tomorrow*, though it deserves to be read with caution, as its viewpoint suffers from imperialist astigmatism. For an analysis of allied policy towards the soviets and soviet policy towards the allies, cf. Dennis, *op cit.*, Chapters III, IV, IX, XI and XVI.

the intervention of Germany and the vigorous resistance of the Finnish bourgeoisie and the landed peasantry; the second endeavor to link Russia with the West by force of arms came at the time of the German revolution, in November, 1918, when the Red armies poured into Esthonia, Latvia and Lithuania in the wake of the retreating Germans. Here, too, it was the bourgeois classes and the landed peasantry that stopped the Red armies at Narva, Walk and Koshedary. The third and last attempt to extend soviet dominion by force came in 1920 when the Red armies marched on Warsaw, only to be driven back by the Polish legions under French leadership, when victory seemed almost within their grasp. In Russia itself and in the southern and eastern borderlands, separatism could be crushed, because there was no solid core of bourgeois defenders of the existing social order; in the border states it was the conservative nationalism of substantial middle classes that repulsed the attacks of the soviets. In short, on every front save that of Europe itself, the Red army was able to repress the expressions of dissident nationality unleashed by the Declaration of Rights of the Peoples of Russia. There alone was bourgeois nationalism a force too tenacious to be vanquished.¹²

Within Russia, the second bulwark of defence of the communist revolution was the Cheka, the authorized dispenser of revolutionary justice. By the earliest decrees abolishing private property the communist régime took away from the courts almost their only reason for existence, subsequently abolished¹³ them outright, and left in return only the revolutionary tribunals to try offenses against the revolution. To these and a few improvised courts of first instance came all complaints against private individuals, according as they were accused of connivance with counter-revolutionaries or merely of minor infractions of soviet decrees. The Cheka dealt with the former under the blanket jurisdiction of the decrees of the soviet commissars, which could be supplanted by the dictates of the individual judge's consciences; the other courts scarcely took hold or func-

¹² For a diplomatic view of the efforts to spread the revolution westward cf. Dennis, *op. cit.*, Chapters V, VI and XIII.

¹³ Save for the courts of justices of the peace.

tioned. So long as the soviet was not being openly attacked from without, the Cheka was merely harsh; when, however, in the middle of 1918, it became evident that the enemies of the soviet government abroad did not scruple to resort to assassination, as instanced in the attempts upon the life of Lenin, the Cheka was intrusted by the commissaries with the new and horrible rôle of stamping out the counter-revolution by wholesale execution of the bourgeoisie and the reactionaries. This task the Cheka carried out with a thoroughness unequalled by the worst excesses of the Red Terror in the days of the French revolution. The result, from the communist standpoint, despite the fact that it cost thousands of innocent lives, was successful. The Red Terror extinguished counter-revolution, even though it meant the virtual decimation of the bourgeoisie, and the almost complete annihilation of the intelligentsia. It was a hideous price to pay for the possession of power, to save the communist régime from its human adversaries within Russia. It permitted the final consolidation of a proletarian régime by the practical elimination of all other classes. When the hysteria of the Red Terror was over, only the peasantry and the proletariat remained outstanding classes. The last roots of the structure of Czarist society had been eradicated. In this, at least, the soviet system had been successful.

By the end of the civil war in 1920-1921 the communist commissaries had been victorious on two fronts: against the enemy abroad and at home. It was left to George Chicherin¹⁴ and the commissariat for foreign affairs to consolidate the consequences of the first; to the commissariats of war and justice to take stock of the results of the second. On the third, the economic front, the communist experiment was destined to be an absolute failure.

The theory of democratic control of industry through the intrusting of industrial production and management to the factory workers' soviets seemed, on the surface, to have far-reaching possibilities; to the proponents of the soviet system and the exponents of thoroughgoing communism the assumption of eco-

¹⁴ Chicherin, who, like Lenin, was a man of noble lineage, succeeded Trotsky in this post after the peace of Brest-Litovsk.

conomic control by the soviets seemed to be the only course open to the revolution. After the inauguration of the Bolshevik régime, the concrete attempt was made to utilize the workers' soviets as the agencies for the control and direction of economic production. An incessant series of decrees from the commissaries endeavored to reorganize the economic life of the country by drastic changes affecting basically all the factors of industrial and agricultural production. Private property of all kinds was abolished; banks, factories, stores, warehouses, and individual stocks of goods confiscated and nationalized. Everything was done to remove capital from private hands and place it definitely in the service of the communist state. Labor itself was conscripted for state service, although this was primarily a war measure. In short, economic production in every field was brought under the control of the various commissariats, under the general direction of a supreme soviet of national economy, while the actual carrying out of the decrees affecting production was left to the workers themselves, as organized into local or factory soviets.

But here the workers, being assured of a minimum of subsistence by the efforts of the state, slowed down the work of production generally; as the higher technical control of bourgeois entrepreneurs was removed, the momentum of economic machinery was lost; in both town and countryside, as the incentive of personal acquisition disappeared, the entire economic framework of the state succumbed to the successive stages of paralysis. War industries, run under conscripted labor and military discipline, alone maintained their requisite pace, and this through the sheer necessities of defence of the revolution, and because of their relation to the whole communist cause. All other industry gradually went into stagnation, partly because of the lack of raw materials when foreign commerce had ceased and blockade prevented the acquisition of new stocks and reserves, partly because a fresh supply of capital was cut off through the confiscation of individual possessions, but largely through the inertia of the workers themselves under the régime of compulsory service and state control of their principal necessities.

The abundance of national treasure which had flowed into the soviet coffers through the confiscation of private property in

1918 was dissipated in the ensuing three years both because soviet administration was clumsy, and because it was spent prodigally upon the Red army in order to insure victory in the field. Transport was almost entirely disorganized; skilled management lacking. The finances of the state were on a fiat basis; the Czarist currency was valueless. Despite the most stringent prohibitions of the soviet authorities, primitive barter flourished in covert places as the only means of facilitating an exchange of commodities. Agricultural production, primitive as it initially was, noticeably declined as continued requisitions were made upon the peasantry by the government to supply the needs of the urban and military population. Small wonder, then, that the peasantry deliberately curtailed agricultural planting in order to minimize governmental requisitions, either for military purposes or as taxes in kind.

On all scores, therefore, the attempt to enhance production, whether agricultural or industrial, under the communist régime, proved utterly futile. The battle won on the military and diplomatic fronts under war-time communism was lost in industry. A communist régime might force recognition from the outside world, it might defeat the armies of "capitalist" states, but it found itself powerless to accentuate production or to replace the capital which it had so readily confiscated. Communism, pure and undiluted, had either exterminated the possessing classes or reduced them to impotence; the bourgeoisie and the intelligentsia had either been slain or driven to cover to escape destruction; if the remaining classes, the peasantry and the proletariat, had been able to continue economic production, a régime of unsullied communism might possibly have maintained itself. Actually, both the peasantry and the proletariat failed dismally to produce, the first, as has been noted, because of resentment at continued requisition, the second because capital, management, and incentive were largely lacking. "Peace" and "land" the soviet had given; "bread" and industrial production it was unable to provide.

By the end of the civil war in the beginning of 1921, therefore, a change of policy was necessary if the communist leaders were to remain in power; it was an open question as to whether they could make the change without a break in their ranks.

Never before in human history had a radical group, bent on the destruction of a pre-existing order, been able to rebuild a new one. Would such an achievement be possible for those in control of the fortunes of the Russian state? To abandon the régime for which they had striven and give up the principles of out-and-out communism for the privilege of remaining in power, or else to surrender power directly and completely to such forces—whether foreign or domestic—as could turn the wheels of industry: such was the dilemma of the Bolshevik leaders on discovering the failure of their critical experiment. They had killed capital by creating a communist commonwealth; likewise they had killed production. Lenin had gambled desperately on being able to cement a working productive coalition of the class-conscious proletariat and the stolid, passive peasantry, and had failed. A new policy was definitely needed, as none recognized more clearly than Lenin. To reconstruct Russia economically was a far different task from proclaiming and effectually maintaining by martial force and mass terror a proletarian political control. Would it be possible for communists to consummate the change alone? Lenin believed it possible. The New Economic Policy was the result.¹⁵

¹⁵ On the period of war communism and its ideology, Trotsky's *Our Revolution*, Lenin, and 1917 provide valuable references. On foreign affairs, A. L. P. Dennis' *Foreign Policies of Soviet Russia* is a reference work of high value. Most of the biographical literature is military, episodic, impressionistic and extremely biased. Paul Miliukov's *Russia Today and Tomorrow* reveals the dénouement of anti-Bolshevism from the standpoint of a leader in the provisional government and evinces some hindsight. E. A. Ross' *The Russian Soviet Republic* is a careful and objective appraisal of the régime of war communism. Among source materials, naturally the *Izvestia* and *Pravda* furnish the best guide to the flood of decrees and pronouncements on war and foreign and domestic policy. Raoul Labry's *Une Législation Communiste* is a handy compendium of the more outstanding decrees, though numerous reprints of speeches and tracts by soviet leaders furnish sidelights to the ramified developments of the communist administration. On this period the *Bulletin Périodique de la Presse Russe* is practically valueless, being patched together from many rural, anti-Bolshevik, monarchist newspapers. Only on the end of the civil war, and the reopening of diplomatic contacts with the Western European countries, does the *Bulletin* return to Bolshevik sources and again become objectively descriptive.

CHAPTER IV

THE REINTEGRATION OF RUSSIA: THE NEW ECONOMIC POLICY

THE RESTORATION OF CAPITALISM: *The Strategic Retreat of 1921—Abandonment of War Communism—State Capitalism—Private Ownership.* TERRITORIAL REORGANIZATION: *Economic Regionalism vs. Ethnic Autonomy—The State Planning Commission and Its Work—Regional Reorganization—Its Limitations.* POLITICAL REINTEGRATION—*Soviet Self-determination—Soviet Nationality Policy—Consolidation of Soviet Authority:—I. The Far Eastern Republic—II. The Trans-caucasian Federation—III. The Union of Socialist Soviet Republics—IV. The Republics of Central Asia—V. Mongolia—VI. Arctic Asia—Failure of Sovietism in the West—The Nationalizing of the Soviets—Present Trends of Nationality Policy.* THE SOVIET STATE AND THE COMMUNIST PARTY: *Dominant Role of the Communist Party—Party Unity Under Lenin—Communist Factions—Leninism and Revisionism—Trotskism—Undiluted Communism—The "New Opposition."* CONTEMPORARY POLITICAL AND SOCIAL DEVELOPMENT: *The Newer Economic Policy—Social Trends in the Soviet State—The Newer Soviet Nationalism—Political Autonomy and Economic Union—Communism and the Newer Nationalism—The Final Trend of Soviet Evolution.*

THE RESTORATION OF CAPITALISM

It is unnecessary to dwell at length on the genesis of the new communist adventure into opportunism. It is enough to say that the New Economic Policy was considered by Lenin as a merely temporary, "strategic retreat," although its permanence has since become obvious to all except the most fanatical communist party leaders. The inception of the policy became possible only because Lenin himself recognized the inability of Russia to weather the economic aftermath of civil war and exhaustion without opening up more extensive contacts with the outside world and restoring the initiative of her people in economic enterprise. A double move was necessary, first, to permit, under stringent governmental control, the resumption of international commerce with Russia, and, second, to tolerate the private exchange of commodities within Russia. Commerce with

foreign nations, either under private auspices and financing, or with some form of governmental participation, and the decontrolling of industry with a view to enhancing the interchange of commodities and the general improvement of economic life were, accordingly, undertaken.

This meant the abandonment of communism in its purely economic phases, without entailing any fundamental alteration of the actual governmental machinery established by the Bolshevik régime. It did, however, involve the dismissing of thousands of persons from the government departments, the purging of the communist bureaucracy of many of the idle and inefficient, and the curtailing of the expenses of government materially in order to permit the consolidation of soviet power on normal economic foundations. There flowed from such a decision the legalization of small scale private trade, a trade which not even the most rigorous communism had been able completely to repress. With it came the resumption of international commerce, the negotiation of numerous trade agreements with foreign countries and a reciprocal move of foreign concession hunters for grants from the soviet government enabling them to develop Russia's untouched natural resources. While the soviet government authorized numerous concessions, it nevertheless endeavored, from the standpoint of communist principles, to salvage something of its original program by permitting the state to acquire a large part of the profits of such exploiters, just as it has insisted, in tolerating private trade, upon participating in the fruits thereof.

Thus the New Economic Policy or the NEP, as it has come to be called in practice, has really meant a return to capitalism insofar as private property and private acquisition of wealth from the use of private property are concerned. However, it is not capitalism in its ordinary sense, but state capitalism, in that the state has come to finance, and to share in the profits of, many private enterprises. The realization of such a policy meant, further, the reintroduction of the idea of private property, and the establishment of courts or tribunals to determine questions relative thereto. Another implication of the move was the establishment of a new monetary and banking system on a gold basis,

thus revealing the return of Russia to the ordinarily accepted bases of modern financial economy. It is not surprising, however, that the soviet government has had considerable difficulty in keeping its gold-backed currency of *tchervonetsi* at par, in view of the relative insecurity of private property under the soviet régime and the limited opportunity for the soviet to obtain credit abroad from its political and economic adversaries.

Under the NEP, despite the permission to private individuals to trade under normal conditions, most of the factories, the transportation system, and foreign trade have remained under state ownership and control. This was intended by Lenin when he reluctantly decided to return to a recognition of private property. Small industries and home handicrafts were among the first to be given back their freedom, while the larger industries were organized into state trusts and syndicates or into "mixed" companies,¹ more or less heavily subsidized by the government. At present, foreign commerce is conducted through official establishments under the control of the commissariat for foreign commerce, and through the cooperative commercial organizations, mixed companies, private companies and persons trading under license for a specified period and purpose. Thus foreign trade remains virtually a government monopoly and private capital participates only qualifiedly, provisionally, and in insignificant proportions; stockholders in the syndicates or trusts organized for this purpose, however, enjoy considerable economic autonomy, and necessary machinery and other useful imports are lightly taxed by the soviet government.

¹ "The New Economic Policy" in the words of a British Trade Union Delegation, "restored not only the fundamental principle of private enterprise, but also reerected on it somewhat similar superstructures to those that have grown up in other countries, such as trusts, syndicates and banks. These were reproduced in Russia as state organizations operating on a self-governing and self-supporting basis. . . . In some cases, as in the 'mixed companies,' in which public and private capital participate, new forms have been created. . . . The Russians first under war communism nationalized all commerce and industry, and then under the New Economic Policy denationalized all that was without direct national importance, but 'socialized' big business and high finance. Under the NEP the government has set standards of production as conditions for holding concessions, though as concession holders may neither sell, mortgage or lease concessionary property, they have no ownership in their enter-

TERRITORIAL REORGANIZATION

An outstanding accompaniment of the return to state capitalism was the endeavor of the soviet government to undertake two far-reaching tasks by way of reorganizing territorially the new soviet state. The cold-blooded economic determinism of communist dogma led to a widespread advocacy of the reorganization of soviet territory into great regions economically fitted for some particular enterprise, such as agriculture, mining, or industry. This would, in theory, overlook local particularism and think only of the broad economic functions which given regions of the country might perform. The idea was purely economic, abstract, utterly divorced from any consideration for the feelings of the people involved. Simultaneously, however, the soviet government was confronted with another demand, that for the application of the idea of self-determination to every submerged nationality or ethnic group within the areas under soviet control. Such an idea meant the acceptance of the will of the peoples of a particular area, whatever its economic character or function, as the final criterion for their political and administrative organization. This would involve the breaking up of the vast soviet domain into little homogeneous racial groupings, irrespective of the economic consequences that might ensue. Both moves, however contradictory they might appear, were demanded of the communist leaders by their program; their effort was to undertake both simultaneously. The results

prises other than the wealth they contribute. Trusts are now recognized as 'judicial personalities,' i.e., corporations, and given a rather broad autonomy in the hope of attracting foreign capital. They are, however, required to be on a 'commercial basis,' i.e., one of profit making, in order to hold their 'articles of association,' or charters, but the government renounces all taxation or requisitioning incompatible with the trust's profit making. 'Mixed companies' operate like private ones under concessions, but the state furnishes them certain property, which being 'nationalized' and 'inalienable' cannot be given over outright. The state therefore remits rents! Such are some of the aspects of corporate organization under the opportunist New Economic Policy. They serve clearly to illustrate how far back on the road towards the normal forms of economic organization the NEP has led. Syndicates are merely combinations of trusts." Cf. *Russia Today: The Official Report of the British Trade Union Delegation*, New York, 1925, pp. 72-78.

of this new adventure, coming, as it did, at the time of a return to a saner economic order, are of peculiar significance in the evolution of the soviet state. To this unique experiment in administrative reorganization and reintegration on the apparently conflicting, irreconcilable principles of economic interest and ethnic aspiration we now turn.

The very vastness of the Russian domain and the ramifications of its economic life, the immense potentialities of its undeveloped resources, on the one hand, and the diversity of races and languages, of national stocks, on the other, have lent themselves with singular facility to both phases of the soviet experiment. Theoretic plans had not been lacking under the old régime for the administrative reorganization of the empire along lines of economic regionalism—a procedure which an autocratic government, in an epoch of russification, could easily have carried through without reference to the nationalistic demands of local populations. Such, however, never materialized under the Romanovs. It remained for the leaders of the soviet régime to determine in their own way, and under circumstances of their own devising, what should be the form of administrative reorganization for a community of socialist soviet commonwealths. Accordingly, at the end of the civil war, and almost simultaneously with the inception of the New Economic Policy, the seventh All-Russian Congress of Soviets instructed the Central Executive Committee to develop a plan for a reorganization of the soviet domain along administrative and economic lines. This was eventually intrusted to the State Planning Commission which elaborated its plan and basic principles in 1922.

The outlines of that plan are relatively simple. The endeavor of the commission was to work out a scheme which would facilitate the development of the productive forces of the country. To that end, therefore, all the territory of Soviet Russia was divided into economic regions which were also to be administrative units, under the constitution then being elaborated for the Union of Socialist Soviet Republics.² In principle, however, the regions were to be based solely on administrative and economic considerations and not on those of nationality; regions were to

² Cf. Chapter V, pp. 148-150, *infra*.

be production units, irrespective of the races inhabiting them; and they were to be so delimited as to fulfill certain clearly defined functions in the general economic life of the community. This involved exhaustive inquiry into the natural resources of every part of the country, consideration of the distribution of population, the means of communication, the pivotal centers of economic development, such as mining or manufacturing communities, and lastly the degree of material and technical development. Without attempting to make each area or region entirely self-sufficient, the purpose of the planning commission was to guarantee each region the possibility of independent economic development and specialization in some particular economic activity. The concerted arrangement of the country into regions would then fit into the general plan of the State Planning Commission for coordinating production and trade on a scientific basis.

As originally conceived by the commission the regions were to become groupings of several of the old provinces or governments (*gubernii*) of the empire. They were to have their soviet congresses, executive committees and other institutions characteristic of the soviet system. The principal powers of the regions, or *oblasts*, were to be administrative, giving them the right to direct the management of industries within their bounds and to levy the requisite taxes within their respective areas. The regions were to be further subdivided into *okrugs*, or administrative sub-districts, these being finally subdivided into *raions*—the smallest segments of the industrial or agrarian *okrugs*. The regrouping thus proposed was scheduled to cut down the 93 *gubernii* of the old empire to 21 new *oblasts*, twelve of which were to be in European Russia³ and nine in Asiatic Russia.

³ The original project scheduled the following regions, with their respective administrative centers and principal economic functions:

Northwest	Leningrad	Industry
Northeast	Archangel	Timber, fishing, hunting
Western	Smolensk	Timber
Central Industrial	Moscow	Industry
Viatka-Vetluga	Viatka	Agriculture, etc.
Ural	Sverdlovsk	Industry
Middle Volga	Samara (Kazan)	Agriculture

Unexpected difficulties arose, however, and prevented the full plan from being ruthlessly carried out. Although fully approved by the tenth All-Russian Congress of Soviets at the time of the formation of the union, it encountered the opposition of various particularist national groups whose interests it ignored. The consequence was a delay in its application, and a decision on the part of the communist party to go slowly in experimenting with such reconstruction. As a result only the Northwest, Ural, Lower Volga and Southwestern, South Mining and North Caucasus regions have thus far been organized in Russia proper. In Asiatic Russia a Siberian territory has been created out of five former gubernii, embracing the area originally scheduled to form three regions, while a Far Eastern region has been created to embrace territory formerly grouped into the four gubernii east of Lake Baikal.⁴ To a certain extent the regions thus far created have impinged upon the autonomy previously exercised under the soviet régime by the localities they now embrace. Some division of functions has, however, resulted from the creation of the regions, as they care for the principal economic interests while the localities attend to the problems of a strictly political and administrative character.

But a far more important consideration than that of necessary functional differentiation has militated against the successful planning out of the new regions. This has been the national feeling of the various sections. Thus the North Caucasus, while theoretically and economically fitted to be a single region, has not included Daghestan, which has been incorporated into the Lower Volga region; while the Ukraine long insisted on being treated as a single unit instead of being bifurcated into agricultural and industrial regions. The result has been that the theoretically perfect administrative redivision of all the territory of the soviet union purely in relation to economic consid-

Central Black Earth	Voronezh	Agriculture
Southwestern	Kiev	Agriculture
South Mining	Kharkov	Industry
Southeast	Saratov	Agriculture
Caucasus	Rostov	Diversified

⁴ *Izvestia*, January 24, 1926.

erations and irrespective of territorial political organization along ethnic lines has had to yield to the importunities of local nationalism, and for this reason the scheme has been largely abandoned. Thus the idea of blocking out economic areas without reference to the political eccentricities of their inhabitants has been drastically modified. Economic regions are likely, in the future, to be so organized as not to cut across the grain of nationality. In the long run, the problem of reconciling economic and ethnic claims will have to be solved in Russia, as in many other countries, largely in accordance with the formulas of political, cultural, and perhaps economic self-determination.

POLITICAL REINTEGRATION

An approach to the solution of the problem of the minor nationalities of Russia may be seen in the endeavors of the soviet government to treat with the various nationalities from a political and constitutional standpoint once the "malignant separatism" of the Ukraine, the Caucasus and Siberia had been overcome by force of arms. The political adjustment that followed is of enormous significance in the life of the soviet state. Indeed, it is due largely to the elaboration of national autonomy or cultural autonomy within its framework that the conquests of the Red armies have been consolidated. We need not trace the steps whereby the reconquest came about in the closing stages of the civil war; rather is it of value to turn to the constructive or reconstructive policies of the soviet government. Their simplicity is disarming.

Self-determination, once the greater part of the recalcitrant nationalities were back within the soviet fold, simply meant the concession of extended autonomy in principle, provided—with rare exceptions⁵—the nationalities in question adopted the soviet *form* of government. Thus the reconquered areas, when the military directorates were withdrawn from them, rapidly

⁵ These related to the tiny areas inhabited by very backward peoples, which were organized into *autonomous provinces* without being first sovietized, and which are still in that condition, awaiting the time when they shall be "ripe" for sovietization.

reorganized as *autonomous provinces* or *republics*, during a transitional stage, or became *autonomous soviet republics*, adopting the governmental forms of the soviet régime although not its communist policies; or, lastly, they became *socialist soviet republics* either in alliance or federation with the rest of Russia.

It will be noted that the three types, which are still found within the soviet domain today, are based on the progressive degree of their adhesion to the governmental policies of Moscow. Some of the regions which had seceded during the civil war swung back at once into the orbit of Russian influence as soviet republics, without going through the stages of mere autonomy. This was notably true of the Bashkirs. Others came back to the communist fold at once, having been forcibly converted to communism, as instanced in the Ukraine, Georgia and Armenia. For these latter, no far-reaching change was necessary: the extension of the general principles of soviet organization under the constitution of the R.S.F.S.R. was all that was required,⁶ and the orders from Moscow were obeyed more or less implicitly by those placed in authority. Elsewhere, it was necessary to await the process of peaceful conversion to the ways of Moscow, and it was left to the agents of the Russian Communist Party who endeavored to convince the autonomous soviet republics of the additional benefits of a socialist régime.

In the more backward regions, particularly in Asia, where the republican idea alone was taking root with difficulty, the first step of the Moscow authorities was to "sovietize" the administration, in order to stamp out the administrative asymmetries of the preexisting governmental system. To accomplish this task, which was essential to the existence of the soviet system, Stalin, as commissary for nationalities, persuaded his colleagues to adopt the basic principle of national autonomy within the soviet system—with all its implications as regards administration, language, local culture, military organization, etc. It appears to have been Stalin's view that only by linking up the idea of the soviet form of organization with the spirit and ideology of

⁶ As to how this extension has been brought about cf. Chapter V, pp. 144-145, with particular reference to executive and administrative organization.

self-determination could the territorial reconquests of the revolution be maintained.

To do this, the soviet system, with its adamant economic determinism, its supposedly internationalist character, had to link up its fortunes with the psychological forces behind the awakening nationalities on the fringes of the old empire and the half-submerged nationalities within. This profoundly vital decision was made almost concurrently with the adoption of the New Economic Policy and its application therefore dates from approximately the same time. Thus the inception of territorial reorganization along the dual lines of nationality and economic functions was coeval with the lifting of the bans on private industry and initiative. In many respects, therefore, the nationality policy of the soviet government is but a logical culmination of the determined effort of the commissaries to restore, albeit in a limited way, the individual and group initiative that had either languished or been stifled in the days of war communism.

The fruit of the momentous decision as to the treatment of nationalities has been the minimizing of Russian influence even in the R.S.F.S.R., and ultimately the political and economic reintegration of Russia into the Union of Socialist Soviet Republics. The exact constitutional changes involved will be treated in connection with the general constitutional development of the soviet régime. Here our chief concern is the administrative changes produced by the new nationality policy, changes that were forecast in the deliberations of the Baku Congress of Nationalities held in September, 1920, as soon as the major military operations were over on European fronts. Recognizing the failure of communist doctrines to captivate the semi-bourgeois democracies on the western fringe of the soviet domain, the communist leaders deliberately set out to link up the latent nationalist movements in the Levant, throughout Central Asia and in the Far East, with the program of anti-imperialism preached by the soviet government.

Within two months, by a felicitous turn of events, marked success had been attained through the creation of the Far Eastern Republic in November, 1920, and the promotion of a

successful revolution in Mongolia. In this, communist emissaries from Moscow worked side by side with the envoys of the Living Buddha to bring about Mongolian "independence." Thereby soviet power was definitely installed in half of Asia and the Far Eastern Republic—a soviet republic in all but name—was made a buffer state between Soviet Russia and Japan. For a brief interlude of two years the Far Eastern Republic was to serve as an outpost of Russian influence in the Far East, until the various diplomatic obstacles to its incorporation in the Russian domain had disappeared.

Next the soviet government undertook the reconstruction of the Caucasus region, first assimilating the democratic republics of Georgia, Armenia and Azerbaijan, at the end of 1920, sovietizing them in 1921, and lastly grouping them, early in 1922, into an economic federation out of which the Trans-caucasian Socialist Federation of Soviet Republics was destined to grow as a component part of the soviet union. Meanwhile, on the north side of the Caucasus range, various racial groups, such as the Kabardians and Adighes, were administratively split up into autonomous provinces under "revolutionary committees" which began the process of carrying on the administration in conformity with the language and customs of the local inhabitants. Concurrently there was organized, within the framework of the R.S.F.S.R., the Autonomous Socialist Soviet Republic of Crimea.⁷ During 1921 Bokhara and Khoresmia, in Central Asia, were "sovietized" and their administrations turned over into native hands, while in the Arctic regions the Zyrians, east of Archangel, were made an autonomous province, although not as yet sovietized. In short, as the conditions of peace were gradually restored, and cessation of military and economic control came about, the soviet government applied the widest principles of local self-determination to the population. By the eve of the Genoa Conference in 1922, the concession of self-government had been so well received that eight republics, Azerbaijan, Armenia, White Russia, Bokhara, Georgia, the Far Eastern Republic, the Ukraine and Khoresmia, were willing to intrust their inter-

⁷ Added late in 1925 to the Ukrainian Socialist Soviet Republic, *Izvestia*, November 24, 1925.

national representation to the R.S.F.S.R. Paradoxically enough, under the concession of extreme autonomy, under soviet self-determination, Russia was beginning to reintegrate!⁸

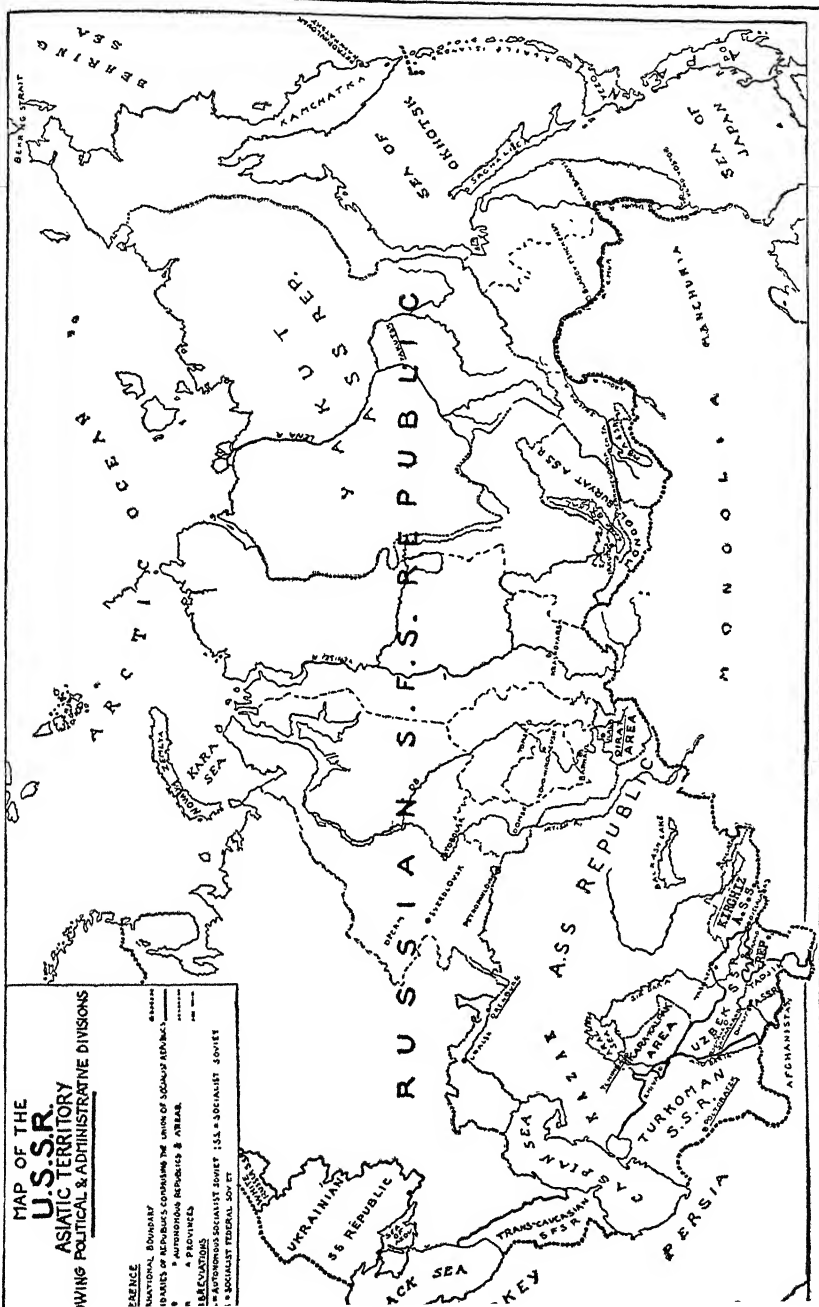
The rest of 1922 was devoted largely to the efforts to rebuild a union of Asiatic and European Russia along the lines of nationality and federalism. The creation of the Trans-caucasian federation, the reconstruction of Bashkiria and Tchetchnia, the sovietization of most of the polar regions occupied the principal endeavors of the Moscow government, and even the mask of independence of the Far Eastern Republic began to be thrown off in negotiations with Japan. The Washington Conference, early in 1922, had failed to touch on Siberia, and the sponsors of a Union of Socialist Soviet Republics did not hesitate for long in asserting themselves where the more cautious western statesmen trod warily. A short, sharp campaign in the late autumn brought the reactionary White government of the Merkulov brothers in Vladivostok to an end, and the soviet flag was extended to the Pacific Ocean. Within a month thereafter, the Far Eastern Republic was annexed and incorporated into the R.S.F.S.R. Within another month, the soviet union was proclaimed.

By the beginning of 1923, on account of the foregoing annexations, the nationality problem was no longer tied up with international relations but had become a problem of a wholly constitutional and administrative character. It is but natural, therefore, that the reorganization of localities along ethnic lines should gain added impetus after the formation of the union. The principal sphere of activity of the soviet government during

⁸ It is interesting to note the extent of the administrative reorganization at the time when the formation of the Union of Socialist Soviet Republics was consummated. At that time the soviet federation embraced 32 regions, republics or autonomous workers' communes, classifiable as follows: I. Nine republics with a majority of the population Christian: (1) the Republic of Russia, (2) the Ukraine, (3) White Russia, (4) the Far Eastern Republic, (5) Georgia, (6) Armenia, (7) Abkhazia, (8) the German Republic of the Volga, (9) the Karelian Labor Commune. II. Fourteen Moslem-peopled republics: (1) the Republic of the Gortsi (Mountaineers of the Caucasus), (2) Daghestan, (3) the State of Balkaria and Kabardia (on the north of the Caucasus), (4) the region of the Adighes or Tcherkesses, (5) the State of the Karatchaevs and Tcherkesses, (6)

MAP OF THE
U.S.S.R.
ASIATIC TERRITORY
SHOWING POLITICAL & ADMINISTRATIVE DIVISIONS

REFERENCE
NATIONAL BOUNDARY
BOUNDARY OF REPUBLICS COMPOSING THE UNION OF SOVIET REPUBLICS
* AUTONOMOUS REPUBLICS & AREAS
* PROVINCES
* DISTRICTS
* SOVIET SOCIALIST REPUBLICS
* SOCIALIST FEDERAL SOVIET



1923 was in Siberia and Central Asia, where the chief sources of raw materials within the soviet union were to be found. Here the soviet government faced the necessity of administrative reorganization for the dual purposes of blotting out the traditions of an older régime of khans and monarchial rulers, and of linking the sense of awakening nationality to the need for economic federation.

Beginning with the Tashkent Economic Conference in 1923 plans were laid for the gradual reorganization of the Central Asian region on the basis of nationality, while permitting the widest latitude to trade throughout these regions and affording rapid railroad communication. The initial move was the conversion of Khoresmia (former Khiva) and Bokhara into socialist soviet republics; there ensued a rectification of the frontiers of the Kirghiz and Kara-Kirghiz regions or republics. When this process was carried out in 1924, it markedly truncated the old Russian Turkestan, and made it possible for two new units, the Uzbek and Turcoman republics, to emerge from the ethnic regrouping. It was these units that entered the U.S.S.R. under the names of Uzbekistan and Turkmenistan in May, 1925, while Khoresmia and Bokhara have utterly disappeared from the political map of the union. To Uzbekistan the Tadjiks have been added as an autonomous province on the borders of Afghanistan—doubtless with a view to stimulating national feeling among tribes of kindred nationality on the other side of the Afghan frontier. Similarly, minor racial groups such as the Kara-Kirghiz, Tchouvaches, Ouriankhai, and Hakasses, sometimes as mere racial enclaves in the midst of other locally preponderant

Azerbaijan, with Nakhitchevan, (7) Adjaria, (8) Crimea, (9) the Republic of the Tartars of the Volga, (10) Bashkiria, (11) Kirghizistan, (12) Turkestan, (13) Bokhara, (14) Khoresmia. III. Five regions or autonomous republics, with a population of Christians and pagans: (1) the territory of Komi, populated by Zyrians, (2) the territory of the Votiaks, (3) the territory of the Mari, or Tcheremisses, (4) the territory of the Tchouvaches, (5) the territory of the Yakuts. IV. Three republics whose population was Lhamanist, Chamanist or Buddhist: (1) the republic of the Kalmuks, (2) the region of the Oirato-Hakasses, (3) the region of the Buriats and Mongols. V. One allied soviet Republic: Mongolia. Cf. the *Bulletin Periodique de la Presse Russe*, No. 107, September 9, 1922, pp. 1-3.

populations, have been given an autonomous status within the bounds of the R.S.F.S.R. This has also been true in the Caucasus, where minor racial stocks have long survived in the various valleys of the region. Thus the republic of the Gortsi was ultimately dissolved in 1924 when the disintegrating process had been completed, and its ethnic parts had become individual autonomous groups.

The second point of concentration of soviet nationality policy has been in Mongolia. After the Mongolian revolution beyond the bounds of Russia but in territory occupied by soviet troops, a Buriat-Mongol republic was organized in the Transbaikalian region, and closely bordering on Outer Mongolia. Intense propaganda, both in the Buriat-Mongol republic and in Outer Mongolia, was sponsored by Moscow for the conversion of both to soviet republics and to the socialist policy. Both have now adopted soviet forms, and the Buriat-Mongol unit has entered into the R.S.F.S.R. as an autonomous unit; Mongolia is considered, for the time being, not as socialist but as an autonomous and allied soviet republic, theoretically in legal relations to China, but practically independent. The same care for minor racial enclaves is found in the Mongol regions, as in former Turkestan. In every case, the administration has been turned over to indigenous elements of the population, and the local languages have become official.

The third center of sovietization and administrative devolution has been in the sub-arctic and arctic regions of Eastern Asia, where the Amur province, Sakhalin, Kamchatka, Yakutia and Wrangell Island have come under soviet forms and have been left in the hands of native administrators. Here there has been practically no incentive behind the territorial reorganization other than that of bringing the government into the hands of the local inhabitants in a simple and somewhat democratic fashion. All through the sub-arctic regions the administrative regrouping of the various tundra tribes has been systematic, and entirely on the lines of nationality.

On the fourth front, the European, the soviet government has done its utmost to appeal to the national minorities on the fringe of democratic states with a view to suborning their

allegiance to the countries in which they have been incorporated. The creation in 1924 of the Autonomous Socialist Soviet Republic of Karelia on the very borders of Finland, the enlargement of the frontiers of White Russia to give a longer common frontier with Poland, the creation of the Moldavian Socialist Soviet Republic on the left bank of the Dniester, facing Rumanian Bessarabia, have all been instances of the deliberate effort to entice the susceptible population away from allegiance to Finland, Poland and Rumania, respectively.⁹ It is of considerable importance, therefore, to note the failure of these efforts to dismember neighboring non-soviet states. Despite the reluctance of the Finnish, Polish and Rumanian governments to enforce agrarian reform, by comparison with the accomplished fact of land distribution in the Russian regions immediately adjoining them, the national minorities have not thrown themselves into the open arms of the Union of Socialist Soviet Republics.

The causes are not far to seek. The basic reason has been the existence of a fairly large middle class in each of the regions involved, a class which would be reduced to the dead level of proletarian mediocrity were communism, or proletarian soviet rule, inaugurated. Furthermore, the monetary backing of the Western countries has been behind the more stable financial system of these border regions, and confidence in democratic institutions has, at least in Finland and Poland, been a decided factor in rallying both bourgeois and proletarian classes to the normal forms of representative and parliamentary government.

Within the confines of European Russia herself, and in the Ukraine and Caucasus, the movement of the nationalities has been no less significant. First the sovietization of all regions, then the Ukrainization, Tatarization or Armenianization of

⁹ A recrudescence of this type of activity was reported by the Finnish press late in 1926 when it was stated that the Central Executive Committee of the Union had decided to establish "an autonomous Finnish soviet republic" in the neighborhood of Leningrad, close to the Finnish frontier. It was also announced that an analogous "autonomous Esthonian soviet republic" was in process of formation in the vicinity of Jamburg. It will be noted that in these instances a less drastic process of organization is being attempted, as these are not to be *socialist* soviet republics. Cf. Helsingfors *Hufvudstaadsbladet*, October 9, 1926.

regions has followed. First all power to the soviets, then all power to the given nationality, by means of the soviet organization. Such is the gist of soviet nationality policy.

What the limits of this policy will be, what its ultimate trends, remain incapable of exact prediction. Several factors may be taken for granted: the abandonment of russification for a considerable time to come; the probable reluctance of sovietized regions to abandon the soviet form of government for other untried institutions; the probable resurgence of any number of unwritten and half-written languages to a new influence as official regional means of communication; the gradual advance of merely autonomous areas to fuller status, probably as socialist soviet republics, and their inclusion in the U.S.S.R. directly, thereby involving the disruption or territorial restriction of the R.S.F.S.R. It is not too much to predict that within the next half century or century the union will increase in number of individual full-fledged republics, much as did the American union in the nineteenth century.

The differences between Russian and American development are likely to be due to the fact that in America there was little attempt to train the Indian population in the ways of civilized government, and the indigenous population was largely swept away; in the Russian domain, a less devastating policy is apt to be followed towards both the European and the Asiatic nationalities, both because of their greater numbers and because it is only through maintaining its control of the greater part of the Asiatic continent that the Union of Socialist Soviet Republics can long endure. Out of Asia will come the major part of the raw materials for Russia's rebuilding; and the economic reconstruction of Russia on its material side is likely to be conditioned upon the success of soviet treatment of the Asiatic and peripheral nationalities.

THE SOVIET STATE AND THE COMMUNIST PARTY

In the joint working of the policies of national self-determination and regional economic regrouping will be tested, in the long run, the durability, the acceptability, of the rule of the

communist party and the political machinery it has created. The undeniable fact behind the successful articulation of the soviet system has been the existence of the small but well-disciplined, powerful Russian Communist Party and its equally powerful ally, the Third International. Through the shrewd strategy of the November *coup d'état* of 1917, the party inducted itself into power; through the granting of land to the peasantry, it momentarily allied itself with the vast majority of the nation; by forging out of the wretched fragments of the old Czarist legions the new Red army, and simultaneously crushing counter-revolution through the Cheka, it was able to beat off foreign and domestic foes and maintain itself in power. Lastly, by integrating the machinery of the soviet system in the small presidium and council of commissaries of the R.S.F.S.R. and then of the U.S.S.R., the communist party has retained its undisputed control. All other parties have been crushed, including both the Social Revolutionaries, who invited allied intervention and the Mensheviks, who were the principal doctrinal rivals of Bolshevism. In the Union Congress of Soviets, as in those of the constituent republics, the communist party rules and predominates, non-partizan groups being the only ones tolerated and these only because of their passive or active cooperation with the program of the party. The Bolshevik leaders have not produced a one-class state; they have produced a great political union representing the work of one and only one political party.

So long as that party remained united under the leadership of Lenin, there was little question as to the policies it would pursue. It accepted his orders unflinchingly in carrying out the plan for the "strategic retreat" of 1921 which inaugurated the New Economic Policy of the restoration of private initiative. Until his death there was scarcely a discordant note among the great mass of his following. But within the inner circle of leaders of the party bitter feuds were engendered during the last days of their leader's life, when it became evident that the stricken chieftain of militant communism would never again hold the reins of authority. This factional strife was confined to the leaders, most frequently to ructions within the presidium

of the party itself. Not until the master mind of the communist régime had passed from the scene at the beginning of 1924 were there outward evidences of strife. Then there followed a bitter struggle for power, as rival groups laid claim to the orthodox interpretation of communist doctrine.

It was soon obvious that the views of Lenin's colleagues were markedly at variance. There were strict adherents of the "Leninist" program of temporary concessions to capitalism, whether of Russian or alien origin. Among these, Kamenev urged the necessity of maintaining as close a touch as possible with peasant interests, Stalin the need of adopting the soviet structure to the ideas of the nationalities, Zinoviev, Radek, Bukharin, and Rykov—Lenin's spiritual successor—the rigid adherence to Lenin's ideals at whatever cost. On the other hand there was put forth a program of what has come to be called "revisionism," disputing the omniscience of Lenin and inquiring whether Lenin's "strategic retreat" was not fallacious, and whether the dilution of communist control over economic reconstruction by the admission of peasant and expert elements might not be disastrous. On this side were allied Krassin, Larin and Ossinski. The essence of the struggle within the party was epitomized by Zinoviev in claiming the issue to be: "Division of labor, Yes; Partition of Power, No!" To the opportunist followers of Lenin's program, the admission of non-communist elements to administrative effort was desirable, so long as final political authority remained in communist hands. The more zealous Marxian communists, however, discerning a difference between the practice of Marx and Lenin, preferred uncompromising communism to a policy of expediency.

In the last analysis it was a clash between consistency and opportunism—between unswerving adherence to Lenin's original communist program and repeated bowing to the exigencies of the moment for the sake of possible victory in the future. The death of Lenin gave momentary impetus to the opposition's policy of restricting private trade, thereby crushing almost completely the vitality of small crafts that had begun to revive. The nationality policies, inaugurated by Stalin, were not, however, seriously disturbed by the wordy battles over economic

The opposition to opportunist Leninism and the move for revisionism, whether from a standpoint favorable to social democratic Menshevism, or from one favorable to undiluted communism, quickly took the form of demands for a reform of the communist party machine and the soviet structure in the direction of decentralization. In maintaining an attitude which was bitterly resented as Menshevik, Trotsky demanded the reduction of the powers of the Central Executive Committee and a greater democratization of the soviets. He further attacked the strategy of the November revolution in his volume on "1917" and drew upon himself the wrath of the staunchest defenders of Lenin, so that, by the end of 1924, within twelve months of the death of the latter, Trotsky was forced to give up the commissariat of war and abandon the army to another commander. Some of his most ardent followers were exiled and he was himself virtually immured in the Caucasus. In the eyes of extremists like Zinoviev, any attack on the conduct of the revolution was an attack on the revolution itself, and thus he denounced Trotsky as a counter-revolutionist. Notwithstanding his ill-favor, Trotsky was not expelled from the party, as he could not be spared from its counsels in time of necessity. After six months of "exile" he returned to the fold, outwardly chastened, but inwardly still unregenerate, if one may judge from his subsequent writings and conduct. It is now apparent that the battle between Leninism and Trotskism has not yet ended, although for the moment Trotskism, as a diluted communism, weaker than Leninism and smacking of social democracy, is decidedly on the wane.

The other trend of revisionism, looking towards a program of more stringent communism, as sponsored by Zinoviev, seems to have been equally unsuccessful. By the end of 1924, both Rykov and Dzerzhinsky (the latter being the titular head of the Supreme Soviet of National Economy) recognized that the restriction of trade had been pursued far too ardently, and held that "the stick could not be bent too far" without breaking under the strain. Since the beginning of 1925, therefore, the soviet government appears to have followed a Newer Economic Policy, a further adventure in opportunism, which has been violently resented by a branch of the official communist party as high

The result from a partizan standpoint has been a definite cleavage of opinion between the comparatively conservative wing of the party, represented by those holding the majority of the offices in the government at Moscow, and the "new opposition" from Leningrad led by Zinoviev, and supported by Kamenev and by Krupskaja, the widow of the great communist leader. The program of the "new opposition" is vigorously communist, looking to the same bold methods of fearlessness that led the party to power in 1917 to restore the original communism and particularly to stop the growth of a new bourgeois class out of the richer peasantry, or *kulaks*. The two groups were most patently in conflict during the party congresses of 1925 and 1926, but victory was not with Zinoviev. Although formal harmony was restored through the intervention of Kalenin, himself a peasant by origin, it was Stalin, the secretary-general of the party, who threatened the expulsion of the Leningrad group from the party should they violate its discipline or the principle of majority rule and actually secured their resubmission.

It is a far cry from the autocratic minority rule of the militant Bolshevism of 1917 to the steadfast adhesion to the principle of majority rule in 1927. That condition is not without significance when one computes the strength of the communist party, with a membership of well over one million, over half representing the workers, one-fourth the peasantry and one-sixth employees. These have given their support to the party on the basis of its decisions by majority, and the pleas of the extremists for minority decisions fall on unresponsive ears. Thus, by the sobering responsibilities of power, the communist leaders have for the most part accepted the principle of majority rule as their political cornerstone. If any faction within the party now seeks to violate the principle, the consequences will prove disastrous, as it is apt to suffer persecution, expulsion and annihilation. So it would appear that the dangers of a recrudescence of undiluted communism are distinctly small. The path to continuance in power is, for the communist leaders, the middle path of opportunism, and, having tested it, they are loath to depart from it.

CONTEMPORARY POLITICAL AND SOCIAL DEVELOPMENT

The Newer Economic Policy, previously mentioned, has developed in conformity with the moderation of the ruling group in the Kremlin. Its trend is toward the mitigation of the restraints previously put upon trading and the ownership of property. The conditions of trade and investment have been made more favorable; the punishments for offenses under old decrees made less rigorous. There appears, throughout the measures edicted, a clear-cut recognition of the permanency of the "strategic retreat" of 1921; likewise there is a realization of the need of large quantities of foreign capital and of a policy of leniency as the only one which will attract the foreign investor. Along with this recognition of existing realities, a new spirit of self-reliance seems to have pervaded the soviet government, and it continues to push forward, within its limited capacity, its plans of industrial and economic reconstruction.

Despite the unwillingness of communist leaders to admit it, the Union of Socialist Soviet Republics appears to be slowly orienting itself towards a more democratic, even "bourgeois," standard, which it may not reach for perhaps a century. But the underlying elements for the reconstruction of a new society are there. First of all, there are the millions of new farmers, strongly attached to the soil, distinctly acquisitive, and destined to rise, under the rapid mechanization of agriculture, into a prosperous new middle class of small landed countrymen. Again, there is growing a new class of skilled artisans and small traders, as well as a new and nationalistic intelligentsia, who will eventually replace some of the professional classes blotted out by the Red Terror. Lastly, there is the enormous bureaucracy inevitable in a socialist state, composed of technicians and administrators, who are continually evolving towards the normal, "bourgeois" standards of action in their administrative conduct—a thing for which they are condemned by the more highly class-conscious communist agitators. It is out of these new social classes that the newer soviet society is being made.

Finally, there is still another factor which cannot be over-

looked in any analysis of the forces conditioning the development of the soviet state. That is nationalism. The nationalistic forces at work within the soviet union today are not those of russification, involving the superimposition of a uniform linguistic and cultural standard on all parts of an imperial domain; rather are they the numerous and varied forces of resurgent nationalities, ever more conscious of their separateness from the other racial stocks surrounding them. Nationalism among such units cannot be extensively racial—already pan-Islamic and pan-Turanian movements seem to have spent themselves. Rather is the movement intensively particularistic, and, being such, likely to draw together elements of kindred ethnic stocks. Thus it is that the soviet government at Moscow has sought to group all the minor nationalities autonomously, to satisfy the instinct for self-government, while maintaining them, in their appropriate status, in reference to the broader needs of the economic life of the regions involved.¹⁰

In the last analysis, soviet policy, in relation to the problem of nationalities and economic life, has synthesized the outstanding tenets of nineteenth-century English liberalism: self-government and free trade. It is the concession of far-reaching autonomy to all racial groups, while insisting on the removal, as far as possible, of all barriers to inter-community trade, that has added strength, bone and sinew to the Union of Socialist Soviet Republics. By one of the paradoxes of history, it was left to the soviet commissaries to realize, in the greater part of Eurasia, two of the Wilsonian Fourteen Points, (1) that according support to the principle of self-determination, and

¹⁰ Thus the grant of complete autonomy to the various tundra tribes in Transbaikalia did not prevent the formation of the autonomous socialist soviet republic of Yakutia or the creation of the Buriat-Mongol socialist soviet republic further to the south, both being enclaved, in larger portions of Russian territory, in the new Far Eastern region recently created. Likewise in the reorganization of the Southern region, the Moldavian, Ukrainian, Crimean and Karachaevo-Tcherkess republics were all included. Recent instances of the emancipation of these minor nationalities are found in the grouping of the Mordves and Tchuvas into midget republics (cf. *Izvestia*, February 2, 1926) and in the creation of Greater Ossetia as an autonomous province attached to Georgia (*Izvestia*, July 17, 1925).

(2) that seeking the removal of economic barriers to international understanding.

The adoption of this policy has not been without effect on the prospects of communism. The acceptance of local autonomy under soviet forms does not mean that the development of proletarian class consciousness will outstrip the sense of nationality. In all probability the force of ethnic solidarity will break the impact of communist doctrine throughout Asia, where it is being extensively preached, just as it has, for the most part, broken it in the European domain, where nationalist movements, particularly in the Ukraine, have not scrupled to make use of the soviet structure to achieve their immediate objectives. In so doing they put in practice the lessons learned from the first communist organizers of soviet power. Then, in 1917, at the height of the revolution, the nationalities distrusted the soviet mechanism, and paid for their mistrust in persecution. Today the keener minds among the various nationalities have sensed the utility of the soviet scheme for giving effect to their own nationalist programs. Soviet power is mechanically so contrived that it tends to gravitate into the hands of the aggressive few who are leaders. That is why it has been used to advantage, as in the Ukraine, by the pioneers of new nationalist movements throughout the soviet union as a convenient means for diffusing nationalist sentiment while the masses of the populace learn gradually the arts of self-government. Eventually, as will be shown in the next chapter, the simplification of the soviet system will tend to bring it nearer to the ideals of representative democracy. Meanwhile, the nationalist leaders in every province, or republic, being secure in the possession of their authority, can afford to wait till their countrymen are ready for more representative government.

Whither, in the last analysis, is the trend of soviet development? The answer is simple: back towards more representative, more democratic, institutions; back, although very slowly, towards the normal forms of representative government. Its trend may best be compared with that of political democracy in Western Europe in the nineteenth century. That evolution took well over a century after the French revolution. It was left to

the expanding middle classes to be the wielders of power, and, whether in England, France, Belgium or Germany, gradually to accustom the mass of the nation to the orderly processes of national democracy. Only slowly did the mass of each nation acquire undiluted political power. In Russia, the sudden advent of democracy through revolution in regions practically without a middle class produced the chaotic dissolution of the provisional government's régime. With no broad middle class to dilute the authority formerly concentrated in the Czarist autocracy, the ferment of democracy overwhelmed the masses with the sudden intoxication of power. It was left to the intrepid communist leaders to rebuild on the ruins of the old order the basic institutions which, while nominally representative and republican, should remove from the masses of the people—whether peasants, soldiers or workmen—the larger part of the responsibilities of power. Once safely established, these new institutions may be effectively simplified, to bring nearer to the mass of the populace the basic political and economic controls. Such is the major problem of soviet mechanics at the present time, the problem of institutionalizing, and of simplifying, power. How far the dilution of popular authority has gone; in how far power has been reconcentrated; to what extent the soviet system is being simplified, will be seen in the ensuing study of soviet constitutional development.¹¹

¹¹ On the period since the inception of the New Economic Policy cf. Hullinger, E. W., *The Reforging of Russia*; Makeev, N. and O'Hara, V., *Russia*, and the official report of the British Trade Union delegation on *Russia Today*. Interesting light is thrown on the evolution of Leninism by a comparison of such typical biographies of Lenin as those by A. R. Williams, M.-A. Landau-Aldunov, L. Trotsky, and G. Zinoviev (*Lenine, Notre Maître*); Max Eastman's *Since Lenin Died* covers the period since 1924 in a general way. A special study for reference purposes on the agrarian aspects of the revolution is A. G. Hindus' *The Russian Peasant and the Revolution*.

Throughout the period since 1921 the *Bulletin Periodique de la Presse Russe* is distinctly valuable for source materials as are also *Pravda*, *Izvestia* and the *Ekonomicheskaja Jizn*. The later writings and speeches of Lenin are also of obvious value in determining the trends of the New Economic Policy. The voluminous reference literature by political and economic observers becomes more objective and impartial and is hence of a much more reliable character. Typical of such is Bertrand Russell's *The Practice and Theory of Bolshevism*, a disillusioned account written shortly before the inauguration of the NEP.

CHAPTER V

THE CONSTITUTIONAL DEVELOPMENT OF THE SOVIETS

EARLY CONSTITUTIONAL EXPERIMENTS: *Uniqueness of the Soviet System—Its Fluid Character—Action of Early Soviet Congresses—General Characteristics of the July Constitution. THE DECLARATION OF RIGHTS OF THE LABORING AND EXPLOITED CLASSES—The Soviet Principle—Communist Federalism—Proletarian Dictatorship—Communist Anti-militarism and Anti-imperialism—Soviet Self-determination. SOVIET CONSTITUTIONAL PRINCIPLES: The Purposes of the Soviet State—Basic Institutions—Communist Rights and Duties. THE STRUCTURE OF SOVIET POWER: The All-Russian Congress of Soviets—The All-Russian Central Executive Committee—The Council of Peoples' Commissaries—The Theory of the Union of Functions—Czarist and Bolshevik Autocracy—Soviet Federalism and the Theory of Division of Powers—Constituent Powers—Political Powers—Administrative, Judicial and Legislative Powers—The Soviet Hierarchy—Local Soviets—The Soviet Franchise—Soviet Elections—Bolshevik Budgeting. RUSSIAN CONSTITUTIONAL DEVELOPMENT, 1918-1927: The Rôle of the Presidium—The Integration of Bolshevik Administration—Centralization of Policy-making Authority. THE CREATION OF THE SOVIET UNION: The New Federalism—The Stalin Report—Resolutions of the Tenth All-Russian Congress of Soviets. THE DECLARATION OF UNION: The Ideology Behind the New Union—Its Economic Basis. THE TREATY OF UNION: Powers of the Union—Executive and Legislative Institutions—Imperfect Federalism of the New Union—Judicial Institutions—Final Provisions. THE UNION AT WORK, 1923-1927: Implementing the Union Constitution—The Soviet of Nationalities—Its Constitutional Significance—The Institute of Nationalities. PRESENT TRENDS IN CONSTITUTIONAL DEVELOPMENT: In the U.S.S.R. and the R.S.F.S.R.—In the Individual Republics. GENERAL SUMMARY AND CONCLUSION.*

EARLY CONSTITUTIONAL EXPERIMENTS

THE constitutional development which has welded out of the dissolving Russia of 1917 the sturdy structure of the Union of Socialist Soviet Republics of 1927 affords a record of unusual interest to the student of constitutional government. It presents distinctly different aspects from those of constitutional development in democratically organized countries. The constitutional framework into which the dogmas of the social revolution were

cast by the success of the November revolution therefore is a structure hardly paralleled in any other country, and one deserving discriminating study both because of its fundamental postulates and of its peculiar institutions.

Mention has previously been made of the soviet as the cardinal institution born of the Russian revolution; of the gradual integration of the soviets into a pyramidal structure with the All-Russian Congress of Soviets as the apex; of the creation at the time of the November revolution of the Central Executive Committee as the body representative of the congress, into whose hands the political control over the actions of the board or Council of Commissaries was placed. Such was the general structure of the government at the time that the Bolsheviks came into power. There remains to be seen the development which the further course of the revolution and the responsibilities of power gave to the soviet system.

The venture into the organization of a conciliar republic was essentially untried, although various theoretical projects for class representation had emanated from radical minds in many countries previous to the Russian revolution, all such schemes had fallen by the wayside as purely artificial. Even among the most radically minded in Russia the actual systematic creation of soviets had not been pre-planned; the institutional aspects of communism had not been necessarily linked up with a soviet system; and as will be seen in the case of Finland, not a few of the leaders of the Finnish Socialist Workmen's Republic envisaged a constitutional structure of a radically different character, fashioned along far more democratic lines. But with the dispersion of the constituent assembly, because it failed to adopt integrally and without debate the existing soviet structures as the bases of Russia's reconstruction, there was no alternative but to adhere to the soviet institutions. It was necessary to whip them into some semblance of articulated order before entrusting to paper the constitutional structure of the communist régime.

Before any such attempt was actually made to reduce the soviet system to writing, in the very midst of civil war and counter-revolution, a measure of constitutional articulation had

already come about. A third and a fourth Congress of Soviets had laid down in resolutions their views with respect to the rights of the working classes and the methods of effectively exercising those rights effectively. It was left for the fifth All-Russian Congress of Soviets to elaborate, in July, 1918, a general constitution for the Russian Socialist Federal Soviet Republic.

The resulting document may properly be said to crystallize the practice of the communist administration, and to combine in a singular way the theories of the social revolution with the experience of several months of actual administration.

“What distinguishes the Constitution of July, 1918, from all similar enactments that followed successful social upheavals in previous history,” says an official commentator on the document, “is that it was not framed in accordance with preconceived notions or abstract principles. It summed up the general experience of twelve months’ working of the peasants’ and workers’ soviets throughout the country; its underlying principles were those suggested by the facts of real life. . . . The written soviet constitution is not the product of a lecture room or study; it is a living and elastic organism, capable of expanding and contracting or altering according to the lessons drawn by the Russian workers from their everyday experience.”¹

THE DECLARATION OF RIGHTS OF THE LABORING AND EXPLOITED MASSES

The first part of the soviet constitution consists of the Declaration of Rights of the Laboring and Exploited Masses, passed by the third All-Russian Congress of Soviets, and incorporated integrally into the constitution as a sort of proletarian bill of rights. By its terms Russia is declared a republic of soviets of workers’, soldiers’ and peasants’ deputies, all central and local authority being vested in these bodies.² This is the constitutional phrasing of the famous dictum, “All power to the soviets,” and is likewise the affirmation of the fact that the

¹ Rothstein, Andrew, *The Soviet Constitution*, pp. 7-8.

² Part I, Chapter I, Article 1.

soviet commonwealth is based on the soviets as units, and not on the people as a whole, as would be the case with an ordinary democratic republic. By the very terms of this first pronouncement, therefore, political democracy is rejected, and the republic is based on units other than the people. The soviets constitute the sole source of sovereignty. Once this fundamental postulate is established, the question of defining who shall make up the soviets becomes a further factor in attempting to trace the locus of real political and legal sovereignty. Thus the inequalities in the franchise, as later defined, the apparent disparity of representation in the soviets as between urban and rural workers, are in no way to be regarded as contravening the dogma of all power to the soviets. Behind such a facile formula lurk the most far-reaching inequalities.

A second fundamental principle is that the Russian Soviet Republic is established on the basis of a free union of free nations, as a federation of national soviet republics.³ Here, it should be noted, it is not stipulated that the basis of federation should be either the equality of the component parts or their socialist organization. Merely the adoption of soviet organization and the grouping according to nationality are required by this article. As a matter of fact, the subsequent stipulations of the constitution reveal the necessity of communism as a bond of union between the nationalities. The basic fact here involved is that in constitutional reconstruction the Bolshevik government returned to the formula of federation, for which the dissident nationalities had pleaded previous to the March revolution, and accepted at once the solution over which the Cadets and the Social Revolutionaries had struggled. But if the Cadets had feared the extreme decentralization that was likely to follow from the adoption of the federal principle, the Bolsheviks could well afford to grant political federalism because of the vastly greater power of centralization inherent in the machinery of the soviet organization.

These principles of national soviet federalism having been established, the soviet constitution proceeds to the definition of

³ Part I, Chapter I, Article 2.

proletarian rights.⁴ The fundamental purposes of the proletarian revolution it declares to be the suppression of all exploitation of man by man, the permanent abolition of the division of society into classes, the ruthless extermination of all exploiters, in order to bring about the socialist organization of society, and the establishment of socialism in all countries. These purposes it seeks to carry out through the proclamation of the principles of nationalization of soil and sub-soil products, factories and other agencies of production and transport; through workers' control of industry, the repudiation of debts as a first blow at international financial capitalism, the nationalization of banks as a final extermination of capital; and finally through the introduction of compulsory service, in both industry and national defence, and the arming of the workers with the disarmament of the propertied classes. In this section, it will be noted, the constitution sets forth as the ideals of a communist civilization and as its fundamental precepts, the actual previous accomplishments of the Bolshevik régime during its brief tenure. By a singular irony of fate, the creation of the Red army is placed textually in juxtaposition to the demand for the cessation of "the most criminal of wars." Here the ideology of "war to the palaces, peace to the cottages" receives its constitutional expression. Throughout, the endeavor is to so secure the fruits of proletarian dictatorship as to preclude a return of the propertied classes to power.

In the ensuing chapter, the constitution directs its attention to foreign policy, affirming the intention of its framers "to deliver humanity from the grip of financial capital and imperialism" which had resulted in the World War. To that end it seeks the repudiation of secret treaties, organized fraternization between the proletarian elements of the opposing armies, the attainment at all costs of a democratic workers' peace—"a peace without annexations or indemnities, on the basis of the free self-determination of nations," to be secured by revolutionary means.⁵ Here is the doctrinaire statement of the principles laid down by Trotsky at Brest-Litovsk. However ill

⁴ Chapter II, Article 3.

⁵ Chapter III, Article 4.

applied there, in the settlement with the Central Powers, its essence can be said to have applied integrally to the peace finally concluded with the border states at the end of the civil war, in 1920-21.

In a separate article, the fundamentals of Bolshevik anti-imperialism are laid down: insistence upon complete repudiation of colonial imperialism, which it brands a "barbarous policy of capitalist civilization" building up "the prosperity of the exploiters in a few privileged nations on the enslavement of millions of laborers in Asia, in the colonies and in the small nations."⁶ This being for the moment an unrealizable counsel of perfection, the matter could well rest there. It should be noted, however, that the definite doctrine has been carried into most effective practice in the nationality policy of the soviet government, and was a vital factor entering into the formation of the union. The declaration adds, in another article,⁷ its approval of the concession of Finnish independence, Persian autonomy and Armenian self-determination.

The final chapter of the declaration,⁸ incarnating the spirit of the class struggle and the civil war, reaffirms the necessity of the exclusion of the exploiters from governmental power, and declares that "power must belong completely and exclusively to the laboring masses and to their *true* representative bodies—the soviets of workers', soldiers' and peasants' deputies." This is obviously an endeavor to justify constitutionally the dispersion of the constituent assembly as not truly representative of the proletariat.

In order to bring about the really free, voluntary, complete and lasting union of the proletariat of the various nationalities of Russia, the constitution affirms merely the main principles of soviet federalism, "leaving to the workers and peasants of each nationality the right to decide freely, *at their own national congress of soviets*, whether they desire, and upon what basis they desire, to participate in the federal government and in other federal soviet institutions." Here the principle of self-determination is so defined that the "free union of free nations,"

⁶ Article 5.

⁷ Article 6.

⁸ Chapter IV, Articles 7-8.

already referred to, becomes in practice only the union of national proletariats, as organized into soviet republics.

The significance of these provisions in the life of the border states is clear enough. Indeed, it was the logical consequence of the proposition that self-determination must operate through soviet forms and no others that impelled the attempts to overthrow national non-soviet governments there and to leave to the Finnish, Estonian, Latvian, Lithuanian and—perhaps—Polish soviet republics the definition of their possible federal relationship with Soviet Russia. Certainly it must be admitted that the constitution itself gives the clue to the policy of repression which the communist leaders pursued in the Ukraine, the Caucasus, and Central Asia in dealing with the democratic governments which had developed secessionist tendencies.

In its last analysis, the declaration is a composite of aspiration and achievement, a legalizing of accomplished facts and the authorizing of an intended policy. As such, it is typical of the main body of constitutional principles to which it forms an introduction, although it by no means exhausts the enumeration of rights and duties.

SOVIET CONSTITUTIONAL PRINCIPLES

In Part II of the soviet constitution may be found the political principles upon which the dictatorship of the proletariat is founded. Recognizing the essentially transitory character of the period of civil disturbance, the constitution declares as its principal object the establishment, under a strong soviet government, of the dictatorship of the urban and rural workers, combined with the poorer peasantry; the purpose being to secure the complete suppression of the bourgeoisie, the abolition of the exploitation of man by man, and the establishment of socialism, under which neither class divisions nor state coercion arising therefrom will any longer exist.⁹

With the foregoing enumeration of purposes, the constitution proceeds to define the institutional agencies through which the free socialist community of Russian rural and urban workers

⁹ Chapter V, Article 9.

make their will effective. Supreme authority is vested in the All-Russian Congress of Soviets, and, during its adjournment, in the All-Russian Central Executive Committee.¹⁰ Thus the existing institutions, created at the time of the November revolution, are given sanction in the final constitutional document. Provision is made, however, for the creation of soviets for regions with special usages and national characteristics, and the grouping of these within the general federal framework of the Russian Socialist Federal Soviet Republic.¹¹

The "bill of rights" which follows assures workers liberty of conscience, while freedom of religious and anti-religious propaganda is assured to every citizen. In addition, church and state and school and church are separated in order to safeguard this secularization. Needless to say, in actual practice, this provision reversed abruptly the traditions of centuries of an almost theocratic-autocratic rule in Russia. Other articles assure to the workers effective liberty of opinion, secured by nationalization of the press, complete freedom of meeting, full liberty of association, effective access to "a complete, universal and free education," and the equality of all citizens before the law, irrespective of race or nationality—assurances which the very conditions of revolution, economic exhaustion and the tyrannous espionage of the Cheka were predestined to render largely nugatory in practice.¹²

The rights thus conferred upon the workers are counter-balanced by the imposition of duties—the duty to work, and to defend the socialist fatherland. Defense is made the exclusive prerogative of the proletariat, since military power is taken away from the "leisured sections of the population." This is the initial clue to the disarmament of the bourgeoisie. Another provision of far-reaching consequence to the non-proletarian classes, or to regions not definitely committed to communism, states that "in the general interest of the working class, the Russian Socialist Federal Soviet Republic deprives individuals and sections of the community of any privileges which may be used by them to the detriment of the socialist revolution."

¹⁰ Articles 10, 12.

¹¹ Article 11.

¹² Articles 13-17, 21-22.

From this provision flow the rigorous measures that exclude the intelligentsia, the bourgeois classes and the ex-possessing classes from legal privileges. In the proletarian state, to be non-proletarian is to possess no rights in any political sense; it is tantamount to being a political pariah.¹³

In contrast to the stringent measures against the possessing classes of Russia are the provisions granting the greatest possible latitude to foreign proletarians. These are endowed with full political rights "without any annoying formalities" on the initiative of the local soviets. Likewise all foreigners persecuted for political and religious offenses are granted the right of asylum. Needless to say, such asylum is interpreted only in favor of proletarian elements or others of a character incapable of menacing the revolution's outcome. The basis for such liberal interpretation of citizenship is the presumed solidarity of the workers of all nations.¹⁴

THE STRUCTURE OF SOVIET POWER

The core of the soviet constitution is embraced in that part treating of the organization of the central authorities.¹⁵ First among the basic institutions comes the All-Russian Congress of Soviets of Workers', Peasants', Cossacks' and Red Army Deputies. It will be noted that special mention is here made of the Cossacks, in order to include them within the scheme of soviet organization. This marks one of the first concessions made by the communist government to local particularism. Likewise it should be observed that the old soldiers' soviets, born of the March revolution, are discarded in favor of those formed in the midst of the Red army.

The All-Russian Congress of Soviets is made the supreme authority of the R.S.F.S.R. It is composed of representatives of *town soviets* chosen on the basis of one representative for every 25,000 *electors*, and representatives of *provincial congresses of soviets*, on the basis of one deputy for every 125,000

¹³ Articles 18, 19, 23.

¹⁴ Articles 20-21.

¹⁵ Articles 24-52, embracing Chapters VI-IX.

inhabitants.¹⁶ To this general arrangement two modifications are apt to be made, the possibilities of which were envisaged by the framers. The first affects the case where no provincial congresses have been held, when delegates¹⁷ may be sent directly to the All-Russian Congress from the *county congresses of soviets*. If, on the other hand, various provinces are grouped into a *region*, delegates to the All-Russian Congress may be sent by the *regional congress*. It can thus be seen that under some circumstances, the members of the All-Russian Congress may emanate directly from the counties, whereas under other circumstances they must go through two additional conclaves (provincial and regional) before being selected. Thus, considered as agencies for election, the regional soviets produce the most indirectly elected delegates, while those from the counties come almost fresh from a normal mandate of the populace.

Sessions of the All-Russian Congress were fixed by the constitution as semi-annual. In actual practice, since the inauguration of the New Economic Policy, the sessions have been annual. However, extraordinary sessions of the All-Russian Congress may be convened either on the initiative of the All-Russian Central Executive Committee or on the demand of local soviets representing at least a third of the total population of the republic. Although many matters fall theoretically within the competence of the All-Russian Congress, its principal task is to elect the All-Russian Central Executive Committee, which body,

¹⁶ Objection is usually made by critics of the soviet régime that the allocation of representation as between rural and urban areas is unfair. This will be discussed *infra*, in relation to local soviet organization. It may here be noted that whereas in urban areas the proletarian electors could be more easily enumerated, it would in many instances be difficult to ascertain over a whole provincial area how many proletarian electors should be included in the computation, the available census figures would permit a simpler computation of the number to which a province would be entitled. The disparity between a 1:25,000 ratio among electors and a 1:125,000 ratio among inhabitants would not appear to be so great upon statistical computation as it would first appear.

¹⁷ The constitution uses the terms "representatives," "deputies" and "delegates" indiscriminately, without differentiating the legal status of those so designated. The idea of derived authority, conferred by a lower organ in the soviet hierarchy, seems to apply to all such persons, whatever their specific title.

together with the Council of People's Commissaries, it holds periodically accountable for the actual administration of the country's affairs. In actual practice, in the period between congresses, supreme power is vested in the All-Russian Central Executive Committee.

It can thus be seen that, with only an annual accountability to the All-Russian Congress, the Central Executive Committee is in fact the real ruling body of Russia, "the supreme legislative, administrative and controlling body of the R.S.F.S.R."¹⁸ By the terms of the constitution, its functions comprise the general direction of the governmental organs, the unification and coordination of legislative and administrative work, the enforcement of the constitution and decrees, as well as the decisions¹⁹ of the central organs of government. In addition to the foregoing duties, the Central Executive Committee is intrusted with the examination and ratification of commissaries' decrees and the issuance of its own decrees. It convenes the All-Russian Congress, appoints the Council of Commissaries and the subordinates who direct the various branches of administration in each commissariat. Lastly, it is prescribed that the members of the Central Executive Committee must themselves work in the various commissariats or undertake special work for the Central Executive Committee.

The large size of the Central Executive Committee, if nothing else, would have necessitated *a priori* the creation of some smaller group to correlate the general administrative workings of the governmental machine. Such a group is found in the Council of People's Commissaries, in whose hands rests the general direction of, and the supreme power over, the affairs of the republic.²⁰ It is empowered to issue decrees, orders and instructions as well as to take the requisite general measures to secure prompt and

¹⁸ Chapter VII, Articles 31-36. The quotation is from Article 31.

¹⁹ It is of interest to note that there are not, in principle, any *laws* in the sense of the carefully deliberated statutes, known to the "capitalist" world. Everything that is of legal character and issuing from the Central Executive Committee or the Council of Commissaries is either a *decree* or a *decision*. Thus a decree really embraces the prescriptions which would ordinarily be designated as laws, while the decisions refer to administrative orders, more frequently matters of policy than of law.

²⁰ Chapter VIII, Articles 37-48.

orderly administration, bringing these immediately to the attention of the Central Executive Committee, which has the right to annul or suspend, as well as to ratify and approve, any such decision or order. In cases of emergency, measures may be enforced on the sole authority of the Council of People's Commissaries.

Each commissary is in charge of his particular department or commissariat²¹ and has attached to him a board, or *collegium*, of administrators in his department, much as every French minister has his departmental cabinet and staff. The commissary is entrusted with the power of personally making the final decisions on all questions relative to his department, and informs his board of such decisions. The board, however, or the individual members thereof, may raise objections and bring them before the Council of Commissaries or, if need be, before the Central Executive Committee, although the execution of an order is not stopped by such a protest, pending final decision.

Finally, it is provided that the Council of People's Commissaries collectively and each commissary and his board departmentally are respectively responsible to the Central Executive Committee. Here the responsibility of individual commissaries and their staffs ends, although the Council of Commissaries as a whole is also responsible to the Congress of Soviets. Thus the degree of responsibility is strictly limited, and the sovereign All-Russian Congress of Soviets is powerless to protest without overthrowing the entire Council of Commissaries. Hence it may easily be seen that the power of effective political control which the All-Russian Congress theoretically possesses is distinctly curtailed in fact. It cannot force the resignation or eviction of any one commissary.

The responsibility of individual commissaries to the Central Executive Committee is also minimized because of the natural disinclination of fellow-administrators to pass upon one an-

²¹ At the time of the adoption of the constitution there were eighteen commissariats, namely, those of Foreign Affairs, War, Marine, Home Affairs, Justice, Labor, Social Welfare, Education, Posts and Telegraphs, Nationalities (since discontinued), Finance, Transport, Agriculture, Foreign Trade, Food, State Control, Supreme Economic Council, Health. (Article 43.)

other's works. Peculiarly enough, the Central Executive Committee members are the subordinates of the commissaries administratively, since they must all participate in administrative work and cannot, save by special dispensation, work outside of the regular commissariats. On the other hand, from the purely political standpoint, the commissaries are, both as individuals and as a whole, responsible to the Central Executive Committee in its collective capacity. Thus by a peculiar reciprocal arrangement, the administrative servitor is the political master, and the political servitor is administratively supreme. This is the fundamental paradox of soviet political organization.

Here, then, is the underlying principle of the whole soviet system. It is that of the *union of functions*. In lieu of the principle of separation of powers into executive, legislative and judicial, no one of which dare transgress the boundary of the others; in lieu of the principle of union of powers obtaining in parliamentary countries, which admits the necessity of an organic liaison between the molders of legislative and executive policy, falling short of assuming minute administration; in lieu of the modern principle evidenced in corporate and municipal organization of the segregation of functions, which leaves to one set of agencies the formulation of policy and to another set its enforcement, the soviet idea in organization is essentially the fusion of legislative and administrative functions. While it does violence to all the accepted ideas of constitutional government, which, since Montesquieu's day, have seen in such concentration of powers either monarchial or oligarchic tyranny, the principle runs throughout the entire soviet system. It takes form in the use of the same set of agencies to perform all the functions of government, whether these be electoral, deliberative, legislative or administrative. Inherently, therefore, the system as such, quite apart from the political motivation of the particular group utilizing it, is destined to be autocratic, if not irresponsible. It conflicts in its entirety with the principle of political democracy, and with that of parliamentary deliberative institutions. It is a system, from top to bottom, admirably fitted for the perpetuation of oligarchic control.

Compared with the old Czarist system, which was also autocratic, it would appear that the mechanics of the system of government are not nearly as different as a superficial examination of institutions and their nomenclature would lead the average observer to believe. Under the personal leadership of Lenin, whose dominant personality permeated the Council of Commissaries, the Central Executive Committee of new communist bureaucrats and the All-Russian Congress of Soviets, the mechanics of power differed but little in their essence from those of the old régime. Substitute for Lenin and his immediate surrounds in the presidium of the Council of Commissaries, the Czar and his immediate entourage; for the Council of Commissaries, the Council of Ministers under the Duma régime; for the Central Executive Committee, the old Council of State made up of bureaucratic privy councillors; for the All-Russian Congress indirectly elected by a series of ascending, and infrequently convoked, electoral colleges, the Duma similarly elected in fact, although more democratic in semblance, and all too frequently prorogued. There is a striking parallelism, the significance of which cannot be lost to even the most casual observer. The fact remains that for several centuries such an organization under the old régime, backed by a professional secret police, relying upon a conscript army, had managed to keep in power a group numerically almost insignificant. The same type of machinery, when utilized for the purpose of installing a governmental dictatorship by an equally small urban group—this time, however, a class-conscious proletariat—has evidenced a marked similarity in its results.

The differences, then, between the autocracy of the old régime and the autocracy created under the communist rule are more those resulting from the complete turnover in guiding personnel and ruling classes and the marked change in the objectives of foreign and domestic policy, than those flowing from the structure of governmental machinery. The machinery was, in each instance, framed to perpetuate the rule of a small but dominant cast. It is only the ideology and motivation behind each that differs.

Turning to the matter of the competence of the All-Russian

Congress and the Central Executive Committee, it is found that the constitution attempts a rather crude and imperfect division of powers as between the central and local soviet organizations. This political principle, preeminently essential to a federal constitution, is so inadequately applied as to leave serious doubts concerning the extent to which the soviet republic may rightly be called federal. In the first place, the constitution declares "all questions of national importance" to fall within the competence of both the All-Russian Congress and the Central Executive Committee and then enumerates seventeen categories of authority as expressly coming within that designation. The congress and committee are empowered, however, to decide, in addition, on "any other matter which they deem within their jurisdiction." In view of such latitude of authority, the attempt at enumeration of powers becomes almost a ridiculous superfluity. The conclusion is that the constitution provides for flexibility, but not for any real federalism in the accepted sense of the word.

An analysis of the enumerated powers reveals first those that may properly be held to be constituent. These embrace the ratification, alteration and supplementing of the constitution,²² the delimitation and alteration of frontiers, including the power to detach any territories from the republic or to abandon the rights of the republic to such territories, the admission of new members to the federation and the recognition of the severance of those parts leaving the federation. Incidental to such authority is the power to conduct relations with foreign nations, declare war and conclude peace.

Second among the powers ascribed to the congress and committee are those relating to matters of a political character, such

²² Article 51 ascribes to the All-Russian Congress the exclusive power of establishing, supplementing and modifying the fundamental elements of the soviet constitution (some parts apparently being less "fundamental" than others) and the ratification of peace treaties. Article 52, however, endows the Central Executive Committee with power to control foreign relations, declare war, conclude peace and abandon territorial rights of the republic, "only when it is impossible to convene the All-Russian Congress of Soviets." Bearing in mind the political situation in July, 1918, when a large part of Russia and the Ukraine were under German occupation, the need for such a provision seems obvious.

as the general direction of the external and internal policy of the republic; the establishment of a basis and general outlines for the economic life of the republic as a whole and in its separate branches; the appointment and recall of both the individual members and the entire group of commissaries, as well as the confirmation of the appointment of the chairman of the Council of People's Commissaries; and, lastly, the granting of total or partial amnesties.

Various powers of an administrative and quasi-judicial character are conferred upon the congress and committee. More specifically, such powers are those relating to the establishment and ratification of the boundaries and the competence of the regional unions of soviets which are part of the R.S.F.S.R., and arbitration of disputes which may arise between regional unions; the determination of the administrative divisions of the territory of the republic; and the organization of the armed forces of the country. Another group of powers relates to the finances of the soviet republic. The establishment and modification of the systems of weights, measures and coinage, the floating of loans, the negotiation of tariff, commercial and financial agreements, the adoption of a budget, the levying of taxes and the imposition of public duties are all intrusted to the All-Russian Congress and the Central Executive Committee, although of necessity the commissariat of finance is the one most interested in the fulfilment of such provisions.

Lastly come the powers of legislation generally, of organizing the judiciary and of the definition of its civil and criminal jurisdiction. The latter function was necessarily deferred until the end of the civil war as the country was under martial law. As a result, the regulation of the civil status of persons and the definition of criminal offenses and their punishment were deferred until the return of peace, although various commissariats set to work immediately at the elaboration of such codes. The creation of courts for civil procedure likewise awaited the end of the era of violent civil war. In addition, the final abandonment of communism and the inauguration of the New Economic Policy recognized, by implication if not explicitly, the return to ownership of private property and made the establishment

of courts for the adjudication of property relations imperative.

Such are the powers given to the central, as contrasted with the local, soviet authorities. To ascertain the residue of power not bestowed upon the All-Russian Congress and the Central Executive Committee, it is necessary to understand the organization of local soviet authority, and then the degree of competence ascribed to each unit.

Immediately below the All-Russian Congress of Soviets, and serving in part as electoral colleges for it, are the *regional (oblast) congresses*, composed of representatives of town soviets and of county congresses. Here, as in the case of elections to the All-Russian Congress, the urban and rural delegates are differently calculated. Town soviets send one deputy for every 5,000 *electors*; county congresses send one deputy for every 25,000 *inhabitants*. Not more than 500 deputies are permitted for any one region. An alternative method of creating regional congresses is provided by the stipulation that they may be composed of deputies elected in the same proportion, by and from the personnel of the *provincial (gubernia) congresses*, if the latter convene immediately before the regional congress, as is distinctly likely. What the alternative plan means is that the provincial congresses merely utilize the same ratio in making their selections of deputies to the regional congresses as would be used by the *county (uyezd) congresses*, if they elected directly. Nevertheless, it imposes a new barrier between the actual voting proletariat and the final repository of soviet authority, a barrier which in practice is extremely likely to keep out dissident elements.

The provincial congresses consist of representatives of the town soviets and the rural district congresses of soviets. Provincial congresses may not have more than 300 members. Those chosen from the towns are elected on the basis of one deputy to every 2,000 electors; those from the rural regions, on the basis of one deputy to every 10,000 inhabitants. As in the case of the regional congresses, an alternative method of election is provided. County congresses, if convening immediately before the provincial congress, may elect the rural delegates instead

of their being elected by and from the rural district congresses, on the same principle as that laid down for the latter.

County (uyezd) congresses are made up of representatives from the village soviets, on the basis of one deputy for every 1,000 inhabitants. Not more than 300 members are permitted a county congress. Likewise towns of less than 10,000 inhabitants send representatives to the county congresses. It will be noted that here for the first time the computation is based upon the number of inhabitants for both town and village elements, and not in either case upon the number of electors. From the standpoint of the "class conscious proletariat" apparently only large cities, over 10,000 in population, deserve preferential treatment. Obviously in the county congresses towns may receive up to ten deputies but no more.

Last among the congresses are those of the *volost* or *rural district*. These are composed of representatives of all the village soviets within the districts on the basis of one deputy for every ten members of the local village soviet. This has the virtue of simplicity; if villages have less than ten members in their individual soviets, they still send one deputy to the volost congress.²³

Every soviet congress is convened by its executive committee²⁴ (elected by the congress and responsible to it) or on the demand of the local soviets if one-third the population of the locality is represented by them. Regional congresses meet semi-annually, provincial and county congresses quarterly, rural district congresses monthly. Within the limits of their respective administrations the soviet congresses are the supreme authorities of their territory, although between their sessions authority is vested in the executive committee of each unit.

The basic local soviets, or "councils of deputies" as the constitution calls them, are chosen in the towns on the basis of one deputy for every thousand inhabitants, with a minimum of fifty and a maximum of 1,000 members. In the countryside, the local soviets are elected on the basis of one deputy for every 100 inhabitants, with a minimum of three and a maximum of fifty members for each locality. Deputies are elected for three-

²³ Chapter X, Article 53.

²⁴ Articles 54-56.

month periods. Wherever possible in rural localities both matters of policy and matters of administration are settled by the general assembly of the electors of the village concerned. Here, at least, in matters of purely local concern, there is a direct democracy. Where this is impossible, the soviet elects an executive committee, presumably from its midst, and responsible to it, to care for routine affairs.²⁵

The extent of the authority of the local soviets as defined by the constitution is to execute, within their respective jurisdictions, all instructions from higher soviet organs; to adopt all requisite measures for developing the cultural and economic life of their territory; to solve all purely local problems, and to unify or correlate all soviet activities within their territory. For the execution of local tasks every executive committee creates within its jurisdiction the requisite administrative departments. For the purpose of administrative control, each of the respective congresses of soviets and its committee retains the right of control over the activities of the immediately subordinate soviets, and acts, in a sense, as an administrative tribunal within its jurisdiction. As a matter of fact, this principle is not carried down below the province, as it is apparently deemed sufficient to have the provincial executive committee pass upon the administrative problems or conflicts of the rural districts and towns without any lesser administrative tribunals. To a limited extent, the same thing is done in all countries with a prefectural system; in Soviet Russia the principle is carried to extremes. The idea of union of functions, however, is gradually diluted as one descends the various steps in the soviet hierarchy, because a greater number deliberate and fewer execute. Finally, in the general town meeting of electors the principle is virtually abandoned. In the tiny Russian *mir*, as in the Swiss *Landsgemeinde*, the British rural parish and the New England town, a direct democracy replaces the various forms of representative institutions.

The soviet constitution defines the franchise most explicitly and in keeping with the idea of a proletarian dictatorship: "The right to vote and to be elected to the soviets belongs to all citi-

²⁵ Chapter XI, Articles 57-60.

zens of the R.S.F.S.R. without distinction of sex, religion or nationality, and without any residential qualification"—so far the constitution is more than liberal—but the modifying provisos sharply delimit the real electorate from all potentially eligible under the blanket designation above quoted. Three categories are specifically eligible: (1) all those earning their living by productive work useful to society, including those engaged in domestic occupations, industrial, commercial and agricultural workers, peasants and laboring cossacks not employing others for private gain; (2) persons in the Red army and the Red navy; (3) persons in the above categories who are incapacitated for work. All such are eligible to vote and to hold office at the age of eighteen, though by action of local soviets the age of eligibility may be reduced. Foreigners, if coming within the three categories mentioned, are also entitled to the franchise, but all "exploiters," even if they otherwise qualify by being in the defense forces, or doing some measure of work personally, are absolutely excluded. As "exploiters" are classed those who employ others for the sake of profit; those who live on income not arising from their own labor, interest on capital, industrial enterprises, landed property, etc.; private businessmen, agents, middlemen, etc.; and monks and priests of all religious denominations. In addition criminals, imbeciles, lunatics, members of the former *okhrana*, or secret police, secret service, and members of the former ruling dynasty are excluded. In substance, therefore, the franchise regulations exclude the dependent, degenerate, and "despoiling" elements of society.

The first two of these every civilized state deprives of the franchise; the uniqueness of the soviet franchise provision lies primarily in its purpose to eliminate the bourgeois and upper classes as enemies of the proletariat. Such a stipulation, however imperative in the days of undiluted communism, is hardly serviceable under the New Economic Policy. With the revival of national economy, it is obvious that the legal restrictions on private traffickers and middlemen as well as on those employing small groups of workers are likely to be rescinded.²⁶ By the

²⁶ A significant step in this direction has already been taken in the Ukraine, and it is not at all unlikely that other members of the union

present provisions, the great mass of the peasantry, in the local soviets, have been enfranchised more broadly than ever before. As to the clergy, the viewpoint of the soviet government is relatively simple: if their kingdom is of this world, they are exploiters; if of the next only, there can be no objection to their exclusion from political life. Further argument appears needless!

The constitution seeks to lay down certain general principles governing the conduct, verification, and annulment of elections and the recall of delegates. Elections are conducted "according to established practice" on dates fixed by the local soviet. They take place in the presence of an electoral commission and a representative of the local soviet, or in his stead the chairman of the electoral assembly. A record is kept of the electoral proceedings and of the results. It is signed by the electoral commission and the representative of the local soviet; all the relevant documents are transmitted to the local soviet, which checks over them through a credentials commission, which reports its findings to the local soviet.

The soviet itself decides, in case of a dispute, as to whether a deputy was elected or not, and in case his election is annulled, orders a new election. Electors have the right at any time to recall the delegates sent to the soviet, and to proceed to new elections. In case of wholesale irregularities, or deviation from the procedure prescribed in the instructions of the All-Russian Central Executive Committee, the annulment of the election is left to the decision of the soviet immediately superior. The All-Russian Central Executive Committee is the final court of

will follow. At the end of 1925 the presidium of the Ukrainian Central Executive Committee approved a bill amending the Ukrainian soviet constitution, so that at present the right to elect and be elected belongs to artisans who employ one worker or two apprentices, as well as to members of *artels*, or corporations, and to *kustari*, or home workers. Licensed merchants of the first class also may vote. Under this new arrangement, the fact of employing anyone for housekeeping, of holding soviet bonds and stocks, or securities entrusted to credit establishments, does not debar a person from voting or being voted for. Cf. *Pravda*, November 22, 1925, cited by the *Bulletin Periodique de la Presse Russe*, No. 149, December 5, 1925. This, in effect, is the entering wedge in a new and vast democratic extension of the franchise.

appeal. In actual practice, as has been repeatedly borne out by indisputable testimony, the Central Executive Committee has not hesitated to interfere and to annul elections on the ground of irregularity, particularly when non-communists were returned by the local soviets. This was especially true in the first years of the soviet government's existence, when the civil war was raging.

Save for a brief provision describing the arms and flag of the R.S.F.S.R., the final section of the constitution is devoted to the national budget.²⁷ This defines the purpose of the republic during the transition stage of its establishment as the expropriation of the capitalist class and the creation of conditions securing the equality of all citizens in the production and distribution of wealth. It is, therefore, the object of the soviet government to place at the disposal of the soviets all the resources necessary to meet the needs of the republic, "encroaching without hesitation upon the rights of private property." Provision is made for a budget, the levying of taxes and the determination of the sources of public revenue. The allocation of expenditures as between the central government and the local soviets is determined by the All-Russian Congress or the Central Executive Committee. Local soviets can levy taxes only for purely local purposes, while needs of a general and national character are met by grants from the state treasury, duly certified by the appropriate commissariat. These must be spent for the specific objects for which they are appropriated, and cannot be diverted to any other purpose without specific authorization from the central authorities. Semi-annual and annual estimates are prepared by the local soviets to cover their local needs. Village, rural district, small town and county expenditures are ratified by the provincial and regional congresses or their executive committees. Large towns, provinces and regions have their estimates approved by the Central Executive Committee and the Council of People's Commissaries. In case of unforeseen expenditures or inadequate grants, supplementary credits may be had from the appropriate commissariats. Likewise, if local re-

²⁷ Part V, Chapter XVI, Articles 79-88.

sources prove insufficient for local needs, subsidies or loans from the state treasury to the local soviets to cover extraordinary expenditures may be authorized by the central authorities.

It will be noted that in all these calculations no monetary unit is thought of, no basis for taxation provided, no real idea of financial equilibrium sought. The very provisions of the constitution are premised on the idea of continuous deficits locally and nationally, to be met by new grants and credits. In the economics of communism all attention seems to have been paid to the destruction of capital and not to taxation or balancing revenue against expenditure. Only after the abandonment of communism could Russia begin to reconstruct her financial balance and start the slow climb upward toward the normal financial standards of the modern world.

RUSSIAN CONSTITUTIONAL DEVELOPMENT, 1918-1927

Such is the general content of the soviet constitution as drafted in the midst of civil war in 1918. Lacking in both precision and detail, it remained for the subsequent All-Russian Congresses of Soviets to amplify and to the commissaries and the All-Russian Central Executive Committee to clarify its provisions. The All-Russian Central Executive Committee by means of standing orders has constituted itself a parliamentary body endowed with parliamentary immunities and with plenary administrative authority; its *presidium*, or collegial presiding board, has gathered enormous power, virtually ruling the commissaries between sessions of the committee. In short, it has become the principal continuous repository of power, to which even the commissaries are subordinated.

Further constitutional development has defined the functions performed by the different soviet congresses, local soviets and the executive committees of each. This has been done primarily to make the soviets not only instruments for agitation and information but also distinctly business mechanisms to carry on necessary administrative work. The executive committees of the

lowest units have been made directly responsible to the next higher executive committees, and so on up to the Central Executive Committee and the Council of People's Commissaries. For the carrying on of their work the provincial soviets institute executive departments dealing with the same subject matter as the commissariats for the country as a whole,²⁸ save that matters relating to foreign relations and commerce and naval affairs are not handled by the provinces. In addition the Cheka operates in the provinces. County executive committees reproduce the provincial departments in miniature save for the Cheka, the department of justice and that of posts and tele-

²⁸ It was not until 1925 that the ironing out of the asymmetries in commissariat organization was systematically attempted. By a decree of the All-Russian Central Executive Committee issued late in October of that year, the guiding principles of commissariat organization were set forth. According to its terms, commissariats are divided into (a) single commissariats for the whole of the R.S.F.S.R. and (b) autonomous commissariats acting outside the organs common to the whole of the R.S.F.S.R. To the first category belong (1) the Supreme Soviet of National Economy, (2) the commissariat of finance, (3) the commissariat of workers' and peasants' inspection, (4) the commissariat of labor, (5) the commissariat of foreign commerce. To the second category belong the commissariats of the interior, agriculture, justice, public instruction, hygiene and social welfare. The single commissariats for the whole of the R.S.F.S.R. conform their activity to the directions of the corresponding commissariats of the U.S.S.R. which have normative jurisdiction over all members of the union in this regard. The autonomous commissariats of the republics and autonomous provinces forming part of the R.S.F.S.R. receive directions from the All-Russian Central Executive Committee, Council of People's Commissaries, and presidium. Accompanying this decree was a series of ordinances for each of the individual commissariats. (Cf. *Izvestia*, October 20, 1925). It should be noted in this connection that the formation of the U.S.S.R. has had a profound significance upon both the organization and the classification of the commissariats. Thus there are now five commissariats, those of foreign affairs, war and marine, foreign commerce, ways and communications, and posts and telegraphs, which are for the whole union; the first five enumerated above are now centralized for all Russia, and only the residue are left for the individual sister republics and autonomous provinces. The decree is of the utmost significance, for it has wiped out an enormous reduplication of administrative machinery. It is also one of the clearest evidences of the simplification and centralization that is actively going on throughout the union.

By the end of 1926 it was realized that the degree of judicial autonomy allowed the various units making up the R.S.F.S.R. was so great as materially to impair a uniform judicial interpretation of the decrees and decisions of the All-Russian government. Accordingly Krylenko, prose-

graphs. No prescription is laid down for the organization of the departments in the rural districts, except that the provincial executive committees are to approve the departments organized. The local executive departments parallel roughly in their internal organization those of the commissariats of the central government, although it has been found advisable to leave the detailed organization in the lowest soviets very supple.²⁹

A good deal of administrative overhauling was necessitated in 1919, when the cumbersomeness of a badly organized system began to impair markedly the efficiency of the national government. The changes introduced and the amplifications made in

cutor-general for the R.S.F.S.R., proposed to the All-Russian Central Executive Committee a reorganization of the judicial system of the autonomous republics, declaring that 40 to 50 per cent. of the decisions of the highest courts within individual component units of the R.S.F.S.R. were being quashed by the All-Russian court of appeals, and that 90 per cent. of the decisions of the people's courts were being reversed. He therefore demanded that all commissaries of justice and prosecuting attorneys in the autonomous republics be appointed, or at any rate approved, by the All-Russian commissariat of justice; that all the courts, from the lowest to the highest, be brought within the control of the R.S.F.S.R., and that no delays or difficulties be allowed to interfere, as was the case currently, with inquiries from the All-Russian commissariat of justice about, or with revisions of, verdicts of the lower, and especially the regional (oblast), courts. These reforms were decreed November 10, 1926, despite protests from some of the minor republics. The discussions revealed the continuous centralization in educational matters as well. This would seem to presage the elevation of the commissariats of justice and education to a higher status, with prior, though not exclusive, jurisdiction for the whole of the R.S.F.S.R. Cf. *Izvestia*, November 11, 1926.

²⁹ According to the intentions of the commissaries of the R.S.F.S.R., only the autonomous soviet republics (whether socialist or not) were to have councils of commissaries. The autonomous provinces were not. Despite this view taken in Moscow, numerous autonomous provinces proceeded to elect their commissaries, thereby violating in spirit, if not in letter, the R.S.F.S.R. constitution. In consequence, a circular issued by the Council of People's Commissaries on November 28, 1925, notified the autonomous provinces that their practices were in conflict with the Russian soviet constitution and enjoined them to conform more strictly to the regulations issued from Moscow. This circular does not appear to have been intended in any way to curb local self-determination, but rather to have been designed to preserve the distinction between the backward nationalities, or at least those imperfectly socialized, and the full-fledged autonomous socialist soviet republics making up a large part of the R.S.F.S.R. Cf. the *Bulletin Periodique de la Presse Russe*, No. 150, January 16, 1926.

the system at that time were the direct work of the seventh All-Russian Congress of Soviets. It was also ordered that the Central Executive Committee work out a practical scheme for a new administrative and economic division of Russia,³⁰ and define more specifically the functions of village soviets and rural district executive committees.³¹ The last task was the first to be executed, and resulted in a series of regulations which set down in extreme detail both the organization and the duties of the village units—duties which embrace the routine of local government administration and, in addition, tasks in connection with agriculture, food supply, military administration, public education, public health, social welfare and the mobilization of labor.³² The regulations for the rural districts roughly parallel those for the villages, save that the organization is simpler and the provisions governing agriculture and forestry are more detailed.³³

By the end of 1920 the eighth All-Russian Congress of Soviets was forced to make additional changes. The Central Executive Committee was increased to 300 members and meetings were scheduled for every two months in order to provide a more complete control over the action of the government. In addition, the powers of the presidium of the committee were distinctly enlarged, giving it the right to annul resolutions of the Council of People's Commissaries and to issue administrative regulations in the name of the whole committee. It was also given power to settle questions relating to the administrative and economic divisions of the country, as well as disputes concerning the reciprocal relations between the commissariats, their chief committees, and the central committees on the one hand, and local executive committees on the other. In short, these reforms entrusted to the presidium the principal powers of the Central Executive Committee and further centralized administrative and political control in a few hands. This arrangement left supreme executive authority in the hands of a colle-

³⁰ Discussed in detail in Chapter IV, pp. 100-104.

³¹ Cf. the supplement to *Izvestia*, December 12, 1919 (No. 279).

³² Cf. *Izvestia*, February 15, 1920 (No. 34).

³³ Cf. *Izvestia*, March 27, 1920 (No. 67).

gial executive of about eight persons, thus creating in fact a federal council not unlike that of the Swiss Confederation in its powers and duties.

One of the salient features of soviet constitutions has been their insistence upon large collegial executive boards, or executive committees, invested with plenary powers, to supplant the single-person executive of monarchial and presidential governments. The Russian experience apparently proved, however, that the need of centralization could not be met in any other way than by narrowing the number of persons in such an executive capacity. In so doing, the wholesale union of functions underlying the constitution of 1918 was thus forced to give way at the end of 1920 to a partial segregation of functions into those of policy making and policy enforcement. This was particularly noticeable on the eve of a fundamental modification of the economic policy of the government. It may be said that the idea of complete union of functions which inaugurated the era of communism was practically abandoned at the same time that wholesale communism was discarded. The underlying reason would appear in each instance to have been the same: the inability of such a system to function. Communism brought the productive machinery to a standstill; the idea of union of functions, if entrusted to too numerous a body, would have shattered effective central political control; hence both were abandoned simultaneously. The administrative retrenchment that followed the abandonment of communism and the de-controlling of many economic processes doubly reinforced the power of those at the apex of the soviet administrative system by reducing personnel and making administrative discipline all the stricter.

Further reforms of the eighth All-Russian Congress made more definite the control of the central authorities over the local soviets, giving to the executive committees, or their presidia, the power to veto ordinances of lower units of the soviet hierarchy, and the authority to impeach faulty parties. Additional instructions were furnished the local soviets in order to harmonize and regularize their activities, and simplify administrative machinery.

THE CREATION OF THE SOVIET UNION

With the consolidation of soviet power on all fronts during 1921³⁴ and the increase of the territory under its control, new amendments to the constitution were deemed necessary by the ninth All-Russian Congress of Soviets. These provided for annual meetings of the congress, for elections to its presidium and commissions as well as to the commissariats *after* the close of each congress. Provision was also made for fewer and longer sessions of the Central Executive Committee; its membership was enlarged to 386 in order to include members from the newly reconquered territories, and a new "federal commission" was created. This last move in itself reveals the undercurrent of the movement for a transformation of the R.S.F.S.R. into a larger political entity and forecasts the developments in the direction of union which were to take place in the ensuing year. It was also provided that elections in the local units and soviet congresses in the higher units were to be annual, instead of semi-annual, although provision was made for special congresses. In these amendments the phrase "autonomous republics" appears, indicating once again that the transition to a new federalism was in process. Finally, a number of detailed modifications as to the conduct of local soviets were passed, and a recommendation made that wherever possible neighboring provinces connected by convenient means of communication and close economic relations should be amalgamated.

The year 1922 is replete with incidents illustrating the constitutional and administrative reintegration of Russia. For this the foundations had been laid by the cessation of the civil war and by the beginnings of the New Economic Policy. Thereupon the soviet government concentrated its attention on the constitutional consolidation of the position afforded by its military victories in the east. Building upon the desire of the subject nationalities of the whole of Asia for self-determination, and utilizing its unopposed preeminence from Trans-caucasia to the Maritime provinces, to buttress the fortunes of a soviet

³⁴ On the political as contradistinguished from the constitutional aspects of this topic, cf. Chapter IV, pp. 104-108.

régime, the Bolshevik government began forthwith to remodel Russia along gradually converging ideals of economic self-sufficiency and ethnic homogeneity.

At first this involved only a redefinition of boundaries in some of the administrative divisions of Russia proper. It next involved a delimitation of the Ukraine, then the creation of an economic union of the three soviet republics of Armenia, Azerbaijan, and Georgia. By the middle of 1922 there followed an actual regrouping of the three republics into a Trans-caucasian federation with its capital at Tiflis. Meanwhile the cultivation of closer relations with the Far Eastern Republic and the other autonomous republics of central and western Asiatic Russia permitted the extension of the power of Moscow to the furthest reaches of the former empire, through the sovietization of all the regions falling once more under Russian sway. The period of gradual extension of power ended with the formal annexation of the Far Eastern Republic to the R.S.F.S.R. on November 19, 1922. The stage was now set for the formal transformation of the amorphous conglomeration of sovietized states into the Union of Socialist Soviet Republics, a process consummated at the time of the meeting of the tenth All-Russian Congress of Soviets, late in December, 1922.

The initiative in the formal process of unification was actually taken by the soviet government of Russia proper, which sent instructions to the executive committees of the various autonomous republics suggesting the form of a declaration in favor of their union to the Russian soviet republic. Thus the "initiative" taken by the republics of Georgia and Azerbaijan at the congress of soviets of the Trans-caucasian federation was really prepared by Moscow in advance and was known to be acceptable to the commissars and the Central Executive Committee of the R.S.F.S.R. These motions from the autonomous allied republics formed the basis of the famous Stalin Report on unification.

According to its terms, the problem of union resolved itself simply into a modification of the former agreements concluded between the different autonomous republics and Russia, to bring them into keeping with the actually existing political situation. The foremost factor forcing union was economic: the need of

improving the economic conditions of the individual republics and accentuating their joint economic progress. Next Stalin adduced the need of a conjoint foreign policy in order to defend the united republics against the encroachments of foreign capital. Unless a unified diplomatic policy were pursued, it would be impossible to withstand the pressure of the foreign concessionaires and concession seekers. Finally, in his opinion, the union was facilitated by the essentially internationalist character of the soviet system.

If capital, private property and exploitation separate men according to their nationality, it is not so in the world of the soviets. Soviet power is based, not on capital, but on work; not on property, but on collectivity; finally, not on the exploitation of man by man, but on the struggle against this exploitation. Thus the very character of soviet power invites workers to group together to form a socialist family.

From the standpoint of the manifold nationalities of Russia the urgency was no less clear: it would, he asserted, create an atmosphere of confidence, of solidarity among nationalities, while in the outside "capitalist" world only wars, dissent between peoples, colonial slavery and chauvinism were to be seen.

The view of Stalin was upheld by the tenth All-Russian Congress of Soviets. In a resolution of December 27, 1922, it declared propitious "the union of the Russian Socialist Federative Soviet Republic with the Socialist Soviet Republic of the Ukraine, the Socialist Federative Soviet Republic of Transcaucasia and the Socialist Soviet Republic of White Russia to form the Union of Socialist Soviet Republics," on the basis of the principle of equality and free consent. It was thus provided *ab initio* that each of the component states might, if it so desired, separate from the union. Accordingly, the Congress, before finally concluding the compact, appointed a delegation to collaborate with delegations from the other members of the proposed union in the formulation of the terms of union and submitted these to the presidium of the Central Executive Committee for approval. Four conditions were set down as the bases

of the proposed union: (1) that executive and judicial organs for the union must be created;³⁵ (2) that the commissariats of war, marine, ways and communications, foreign affairs, foreign commerce, and posts and telegraphs, of the members of the union must be fused;³⁶ (3) that the commissariats of finance, food supply, national economy, labor and workers' inspection of the contracting republics must be subordinated to the directions of the corresponding commissariats of the union; (4) that there must be a complete guarantee of the national interests of the contracting republics.

Such were the terms of Russia's consent to the union. It will be noted that they strongly resemble the terms on which Bismarck founded the German Reich in 1871. They provide for a common collegial executive body, such as the Bundesrat was; they provide for common judicial institutions or at least a means of formally coordinating legal development; they give the sinews of war to the union, and unify its control of diplomatic, commercial and military policy, much as the Iron Chancellor acquired similar prerogatives for the Reich he created. With singular finesse, too, the non-essentials from the standpoint of external relations, are left to the component states, with the simple admonition that they must obey the administrative orders given from above.³⁷ The final provision is intended as a psychological safeguard against the recrudescence of particularism.

THE DECLARATION OF UNION

The fruitage of these resolutions was the Declaration of Union of Socialist Soviet Republics and the accompanying Treaty of Union, both signed in Moscow, December 30, 1922. In the first is found the formal ideology of proletarian class struggle, writ large upon a continental scale, contrasting the depravity of national hostility, colonial slavery and imperialist brutality reigning in the "capitalist" camp the world over with the "mutual

³⁵ This patently marks the beginnings of the abandonment of the theory of union of functions, which was a cardinal feature of the July constitution.

³⁶ Cf. pp. 144-145, *ante*.

³⁷ Cf. *New Governments of Central Europe*, pp. 4-5, 38.

confidence and peace, the national freedom and equality, the tranquil community and fraternal cooperation of peoples" of the "socialist" world. Reiterating the failure of bourgeois governments to solve the problem of international cooperation, the declaration points out that only in the soviet camp and under the banner of the proletarian dictatorship around which the majority of the population has rallied have the foundations of mutual trust and fraternal cooperation been laid.

Recalling the victories over "world imperialism" and the successful ending of the civil war, the declaration points out its legacy of economic exhaustion and lowered production as factors rendering inadequate the isolated efforts of the separate republics towards economic reconstruction, and holds the divided existence of the various republics as partly responsible for the continuance of this condition. The arguments originally advanced by Stalin for a united economic, diplomatic and military front are then reproduced, showing his powerful influence in the constituting of the new union. From these arguments the declaration adduces the imperative demand for "the union of the soviet republics into a single state, powerful enough to insure internal economic prosperity, security from foreign attacks, and the free development of peoples."

Finally, it characterizes the union as "a voluntary union of equal peoples," open to all socialist soviet republics either now in being or to be formed in the future, as "a fitting consummation" to the November revolution, "a firm bulwark against world capitalism," and as "a decided step towards the union of the workers of all countries into a world socialist soviet republic." In these phrases the declaration enunciates the motives back of, and the purposes desired by, the union. It epitomizes the communist version of four years of struggle against the outside "capitalist" world, and summarizes, in an objective manner, the achievements of the revolution, while appealing sufficiently to the dangers that still menace those achievements to draw to itself the support of all those remembering the vicissitudes of the revolution. Adroitly enough, by a diligent segregation of ideas, it removes from the Treaty of Union all the glittering phrases common to the communist agitator, and re-

duces it to the cold skeletal mechanics of articulated organization.

THE TREATY OF UNION

The Treaty of Union is in fact the federal constitution for the union which it creates. It is a terse document providing the general competence for the institutions of the federal union and stipulating what those institutions shall be and what shall be their mutual relations and their relations to the component soviet republics. As might have been anticipated from the resolutions of the tenth All-Russian Congress, all matters in any way relating to the conduct of the foreign affairs of the union, its military and commercial policy and the means of communication and transport, are handed over to the government of the union. It is therefore charged with representing the union abroad, altering existing frontiers, concluding treaties admitting new members into the union, declaring war and concluding peace, floating foreign state loans and ratifying international treaties.³⁸ It organizes the armed forces; it is intrusted with the regulation of internal and external trade, of transports, posts and telegraphs, and of concessionary agreements.³⁹ In these provisions is reflected the "strategic retreat" from communism and the new policy of governmental control of commerce and concessions.

In regard to the financial and economic side of the government, the constitution intrusts the union government with certain basic and exclusive powers, and others of a purely normative character. Through the exercise of these the government lays⁴⁰ down such general principles as will insure uniform regulations throughout the union while leaving the application of the principles to the localities. Thus the union is charged with the elaboration of general plans for the national economy, the establishing of budgetary, statistical, weight and measure,

³⁸ Article 1 (i)-(vi).

³⁹ Article 1 (vii)-(x).

⁴⁰ Such normative jurisdiction is found in the new constitutions of Germany and Austria. Cf. *New Governments of Central Europe*, pp. 40-41, 176.

currency and credit systems, and of taxation systems not only for itself, but for the component republics and localities. Likewise, the adoption of general measures for the protection of public health are left entirely to the union government. It is given blanket jurisdiction in relation to legislation on migration and settlement, labor, civil rights of foreigners, and general amnesty. Its normative jurisdiction extends to the prescription of the general principles of land distribution and exploitation, of the exploitation of the mineral wealth, forests and waterways throughout the union, of court structure and procedure, of civil and criminal legislation, and of national education.⁴¹ Finally, it is given a power of veto over any decisions of soviet congresses, central executive committees, and councils of commissaries of the republics of the union in case they infringe the provisions of the Treaty of Union. Thereby the Treaty of Union is made a law of superior obligation, which not even the constitutions of the individual republics may transgress. In a very real sense, therefore, the Treaty of Union has become the supreme law of the land.

Analogous⁴² to the All-Russian Congress of Soviets and its Central Executive Committee is the Union Congress of Soviets, elected by provincial congresses within the constituent republics and holding annual sessions or extraordinary sessions on the demand of at least two of the member republics.⁴³ There is also a Union Central Executive Committee of 371 members, consisting of representatives of the united republics in proportion to the population of each. This committee holds sessions thrice annually or at any other times on the demand of the appropriate authority of any one of the republics. The congresses and committee meetings are held in rotation at the capitals of the respective republics.⁴⁴ Between sessions of either the congress or the committee, the presidium, composed of nineteen members,

⁴¹ Article 1 (xi)-(xii).

⁴² It must be remembered, in discussing the institutions of the union, that they are additional to, and do not in any sense supplant, the congresses, committees or (save as specifically noted) the commissaries of the component republics.

⁴³ Articles 2-5.

⁴⁴ Articles 6-10.

four of whom (one from each of the constituent republics), serve as chairmen, acts as the supreme authority.⁴⁵ Lastly, there is a Union Council of Commissaries, consisting of a chairman and vice-chairman, and the commissaries for foreign affairs, war and marine, foreign trade, transport, posts and telegraphs, workers' and peasants' inspection, labor, food, finance, and the chairman of the Supreme Council of National Economy.⁴⁶

By this arrangement, the first five commissariats above enumerated are given sole jurisdiction for the union, and thereby abolished in the constituent parts or fused therewith. These five, it will be noted, cover all foreign and international problems, while the additional commissariats deal with matters in which both the union and its parts have concurrent jurisdiction. In such matters, however, the administrative ordinances of the union are usually paramount. While the union constitution makes a clearer attempt than that of the R.S.F.S.R. at a division of powers between the federation and its component parts, it would appear that the union has a virtual monopoly of political power except as to local government;⁴⁷ in matters of administration it is, in legal theory at least, virtually all-powerful. The federal character of the soviet union is, then, to say the least, extremely circumscribed.

Thus far the machinery set up under the constitution of the union is parallel to that under the constitution of the R.S.F.S.R. In addition, however, provision is made for a supreme court, attached to the Union's Central Executive Committee, and having judicial control vested in it, "with a view to consolidating the legality of the revolutionary order in the territory of the union." Provision is also made for attaching a representative

⁴⁵ On the addition of Uzbekistan and Turkmenistan to the union in May, 1925, two members were added to the presidium and two to the chairmen.

⁴⁶ Article 11.

⁴⁷ A noted Russian scholar holds that the component republics retain merely the right to legislate on social insurance, public health and education, minor courts and agriculture (save as regards land distribution). Under the circumstances, he maintains that the limited competence of the component members of the union strongly resembles the degree of autonomy possessed by the *zemstva* under the Czarist régime. Pilenco, Al., *La Fédération Soviétique*, p. 14.

of the State Political Department (the notorious GPU, or successor to the formal Cheka organization) to the commissariats of the union in an advisory capacity, in order to "coordinate the activities of the united republics in the struggle against counter-revolution." Thus the new constitution provides simultaneously for safeguarding power for the union commissaries, through the perpetuation of the Cheka supervision, and for an integration of the legal institutions under the ordinary rules of justice. It is not unlikely that such a provision represented the net effects of two cross-currents working at rival purposes in the body that framed the articles of union—the desire to return to a legal order on the one hand, and the desire of the more ardent communists to perpetuate terrorist methods and retain their political control, should such methods be necessary. That such a provision was useful is clearly evidenced by the part played by the Cheka in putting down the ill-timed Georgian revolution of September, 1924. It is not unlikely, however, that the other, the supreme court, litigating peace-time and not revolutionary issues, will ultimately be the more useful instrument in consolidating the gains of the revolution.⁴⁸

Various provisions of the Treaty of Union relate to protests against decisions, to the enforcing of decrees, their suspension and modification, but their portent is hardly sufficient to warrant a detailed discussion. The procedure followed in Russia proper has, for all practical purposes, been writ large for the whole union.⁴⁹ Other provisions define the number and nomenclature of the commissariats to be established in each of the component members of the union,⁵⁰ and the relations of the subordinate economic councils to the commissariats of the union and the supervision of union and member budgets. The principal purpose of these provisions, the treaty declares, is to correlate the activities of all and to secure priority of influence for the commissaries of the union.⁵¹

The final provisions of the treaty establish a uniform citizenship for all citizens of the united republics, make Moscow the capital of the union, prescribe its flag, coat of arms and seal,

⁴⁸ Article 12.

⁴⁹ Articles 13-17.

⁵⁰ Cf. p. 144, *ante*.

⁵¹ Articles 18-20.

and declare the union congress to possess sole constituent authority in permitting a modification of the Treaty of Union. The requisite changes in the constitutions of the component republics are ordered, but, uniquely enough, the constitution, in its last sentence, affirms the right of each republic to leave the union if it so desires. In view of the very restricted powers left the component units it would appear that this final generosity is more for the form than the substance, as actual secession from the union would, without doubt, be regarded as actuated by, or attributable to, counter-revolutionary activity, and as such, would be crushed by the iron hand of the State Political Department.⁵² Actually no soviet republic has attempted to avail itself of its constitutional right of withdrawal.

Such is the character of the Treaty of Union, whereby the Union of Socialist Soviet Republics was brought into being. It is a political structure *sui generis*, as it is based primarily upon soviet principles and not upon those familiar to ordinary federal unions. The differences were epitomized by Kamenev at the time of the formation of the union in these terms:

It is evident that in creating this union we have taken into consideration only our own point of view and our own program. That is why our union will in no wise be comparable to those which exist elsewhere in the world. It will be a union in the midst of which, not only will the cultural and economic liberty of each unit be guaranteed, but also each member of the confederation (sic) will be able to withdraw if it believes itself injured in its immediate interests. In a word, it will be a much more solid union than any other existing union.⁵³

THE UNION AT WORK, 1923-1927

Once formed by treaty, the union was not long in coming into being. Indeed, the first Union Congress of Soviets was convoked the same day that the treaty was signed. It forthwith selected a Central Executive Committee and adjourned until the Treaty of Union should have been ratified by the four constituent so-

⁵² Articles 21-26.

⁵³ *Izvestia*, December 29, 1922.

cialist soviet republics. By the middle of 1923 the constitution had been finally confirmed and was proclaimed on July 6, 1923. Simultaneously the financial and taxation systems of the R.S.F.S.R. and of the U.S.S.R. were unified, and the Union Council of Commissaries was chosen. All the formal machinery of the union was thus set in motion, and remained unmodified in form until the inclusion of the two republics of Uzbekistan and Turkmenistan in 1925 brought the component members of the U.S.S.R. up to six in number.

Before the constitution went into effect, however, the form of the Central Executive Committee of the Union was modified and a quasi-bicameral chamber was erected out of the unicameral body laid down in the Treaty of Union. The change in form was slight, but it represented a fundamental modification of policy as regards the treatment of nationalities. Here again it was Stalin who was responsible for the basic change. Speaking in his capacity of commissary of nationalities at the twelfth congress of the communist party early in 1923, he pointed out the unmistakable discontent of the 65 millions of non-Russians in the union and appealed to his communist colleagues to help in the solution of the problem of the nationalities. The remedies he proposed involved not only the turning over of the local administration to the native inhabitants, of whatever nationality, and thus "nationalizing" it in administrative personnel, but also the creation of a supreme organ for the union which should reflect the needs and the consciousness of the nationalities. "One cannot," he added, "administer such a state without having at Moscow a supreme organ, made up of representatives of these nationalities. This organ must reflect not only the general interests of all the proletariat, but also the particular interests of each specific nationality."

The answer to Stalin's plea was the creation of the Soviet of Nationalities in June, shortly before the union constitution went into effect. The Central Executive Committee of the Union is now therefore bifurcated, the lower part being known simply as the Soviet of the Union and the upper as the Soviet of Nationalities. Members of the latter receive, as do the former, their appointment or confirmation from the Union Congress of Soviets,

and both enjoy the same rights and prerogatives. The two soviets acting conjointly, "form but one single and identic power," and have a joint presidium of twenty-one members. The first Soviet of Nationalities, composed of 100 members, was chosen at the second Union Congress of Soviets, when the union constitution received the necessary retouching.⁵⁴ On the addition of Uzbekistan and Turkmenistan to the union at the third Union Congress of Soviets in May, 1925, the membership of the Soviet of Nationalities was raised to 131.

This unique institutional creation of the soviet union, the Soviet of Nationalities, is without question one of the most far-reaching experiments ever undertaken by any civilized government in attempting to solve the problem of the peaceful co-existence of many different cultural and ethnic groups. Its creation came about partly to subserve the ends of the communist foreign policy, which makes the spread of world revolution dependent upon the "liberation" of subject races from "imperialist" and "capitalist" misrule. To the soviet government, the Soviet of Nationalities presents the logical culmination of its earlier doctrines of the full self-determination of peoples under a soviet system. Certain it is that the principal hope of the soviet union has been to expand its authority in the regions to the east of European Russia, through the gradual sovietization of the whole continent. It would appear that the constitutional counterpart of this diplomatic or military extension of

⁵⁴ The Soviet of Nationalities, as first formed, had representatives from the 32 regions and republics at that time constituting the union. Russia, Ukraine White Russia, Armenia, Azerbaijan, Georgia, Bashkiria, the Buriat-Mongol Republic, the Mountaineer Republic, Daghestan, Kirghizistan, Crimea, Karelia, the Tartars, Turkestan (doubtless changed somewhat since the expansion of the union), Yakutia and the German Republic of the Volga each send five delegates or 85 of the members. The remaining autonomous regions or republics send one member apiece. These are Abkhasia, Adjaria, and the republic of the Kalmuks (all three republics) and the autonomous provinces of Nakhitchewan, Karabagh, Southern Ossetia, the Adighes, Kabardia and Balkaria, the Karachaeves and the Tcherkesses, Tchetchnia, the Votiaks, Zyrians, the Tcheremisses, the Tchuvaches and the Oirates. Doubtless as further regions are added to the union or reorganized these ethnic units will be equally represented. (Cf. the Moscow *Pravda* and *Izvestia* for February 3, 1924.)

soviet territory has taken this unique conciliar form of nationality representation.

In the other countries of Eastern Europe the racial minorities have been dealt with either by constitutional provisions, by special statutes or by treaties imposed by the great allied governments, as was the case in Poland. In these instances an attempt has been made to create constitutional, statutory or treaty safeguards against the intolerance of new nationalistic governments towards their racial minority groups. It has remained for the soviet union to accept unfeignedly the principle of nationality for even the most backward groups, scarcely conscious as yet of any ethnic group-feeling. In this unique experiment of giving over to all the nationalities an almost equal part in the determination of the policies of the union, the soviet government has made a daring innovation looking towards the perfecting of the machinery for conciliating dissident national feeling—an experiment which may yet be of significance in the rebuilding and integration of multi-national states. It is at least a distinctive contribution towards the reconciliation of cultural and racial autonomy with the larger purposes of territorial and functional representation and administration.

The function of the Soviet of Nationalities is not merely one of participation, along with the Soviet of the Union, in the elaboration of legislation and administrative ordinances, or the exercise of political control. In addition, it is attempting a serious, practical, scientific approach to the problem of the cultural treatment of the various nationalities. At its sessions, held concurrently with those of the Soviet of the Union, quarterly reports on the conditions obtaining among the different nationalities are presented for its consideration. These deal with the cultural status of the nationalities involved and with the efforts of the commissariats of education and of the interior to rehabilitate the native languages for educational and administrative purposes. Thus the Soviet of Nationalities is assisting in the stupendous task of internal administrative devolution, and is putting the actual government of given areas into the hands of the indigenous population.

Recognizing, however, the inadequacy of existing information

regarding the nationality problems intrusted to it, and the need for a more objective approach to their solution, the presidium of the Soviet of Nationalities authorized, late in 1925, the creation of an institute for the study of nationality problems. This body is to have a director, a presidium, an administrative staff, and a general council made up of representatives from the different ethnic constituencies of the union, as well as of experts in ethnology and nationality policy. According to the official announcement,

The institute is charged with preparing a general plan of action and is to be responsible for its acts to the Soviet of Nationalities; it is bound to study all problems bound up with the so-called nationality policy within the limits of each region and republic of the union. The institute is to centralize all materials capable of throwing a light on the solution of problems affecting the nationalities. There will thus be created a nucleus of documentation which will permit the establishment of archives and a library. Sections will be created to facilitate research and study into the problem of nationalities. The institute will equally occupy itself with the study of national minorities grouped in the various regions or republics of the union. The study of the problem will bear on three principal points: (1) economic questions, (2) cultural and folkways problems, (3) legal problems.⁵⁵

This marks a concrete attempt to adapt a new and scientific technology to the treatment of nationality problems. The effectiveness of such an institute will not, of course, be ascertainable immediately, but there can be no doubt that the government of the union has resolved to base its policy of ethnic devolution on the solid rock of scientific fact. Much of profound interest should eventuate from this attempt at scientific treatment of the problem of backward regions. In this respect, it seems that Moscow is a step ahead of Geneva in fulfilling its "sacred trust of civilization."

⁵⁵ *Bulletin Periodique de la Presse Russe*, No. 149, December 5, 1925, citing *Izvestia*, October 28, 1925.

PRESENT TRENDS IN CONSTITUTIONAL DEVELOPMENT

The present trends in constitutional development may be described as dual in character. For the union, and, to a lesser extent, for Russia proper, the main trend is toward centralization of administration in order to insure greater uniformity in development and greater power to the presidia and commissaries of both Russia and the union. The critical step in this centralization came with the formation of the union, and current tendencies manifest merely the administrative side of the reknitting of the bonds of power. The consolidation of the union and Russian commissariats, the abolition of others in the autonomous republics, the gradual extensions of normative jurisdiction over the autonomous republics and provinces and the abolition of separate commissarial councils in the latter are all indicative of the tightening and hardening of the governmental structure. This process of condensation and concentration is not without its economic compulsions. Indeed, it is, in part, a vindication of the belief of the communist commissaries that if unstinted self-determination were accorded, and the fullest play were allowed to the centrifugal tendencies manifest at the time of the dissolution of the empire, the economic bonds linking together the variegated soviet units would, in the long run, force them all back into a more perfect union.

In the individual republics the trend is toward simplification. This has meant the elimination of all superfluous soviet machinery. This trend is most clearly apparent in the Ukraine, although elsewhere it is in process. There the rural districts, counties and provinces have been blotted out, so that the "system of three degrees" as it has been aptly characterized, is gone. Now the Ukraine is divided into forty-one circles, which elect directly, and in return take orders from, the All-Ukrainian Congress of Soviets and the Central Executive Committee at Khar'kov.⁵⁶ Thus the indirect, artificially removed, representation obtained through the full soviet system at its inception is being transformed rapidly into a system, still of indirect election, but only one degree removed from the electorate, as is the case in

⁵⁶ Decree of August 1, 1925 (*Izvestia*, August 2, 1925).

the selection of the upper chambers of France, Belgium, the Netherlands and, in part, of Switzerland. Ukrainian nationalism, having been forced into soviet channels, still flows strong and will not be denied. Thus, under the guise of "administrative simplification," the unrepresentative features of the soviet system are being pared away, and the actual functioning of soviet institutions is coming to approach ever more closely the normal forms of representative government. It is in the Ukraine also, as has previously been noted, that the vast broadening of the soviet franchise is proceeding most rapidly. Through such simplification and liberalization, in many cases still in its inception, the members of the Union of Socialist Soviet Republics are slowly returning to the paths of democracy and national self-government.⁵⁷

GENERAL SUMMARY AND CONCLUSION

In the foregoing pages the various phases in the dissolution of the old Russia and the reintegration of the new have been considered. Many and varying influences were at work in the latter half of the nineteenth century to bring Russia into closer touch with the system of society dominating Western Europe. Despite the apparent immobility of the autocracy, despite the deafness of the reactionary upper classes to the calls for reform, Westernism, in its twin forms of political democracy and industrial transformation, knocked insistently at the portals of Czarism; it could not be stopped at the political frontier. The democratic ideology of the French revolution and the outbursts of 1848 had, by 1900, gone far toward undermining autocratic authority in the Russian Empire. In addition, the political and economic consequences of the spread of the industrial revolu-

⁵⁷ The best treatment in English of the stages in the evolution of the soviet constitutional system is Andrew Rothstein's *The Soviet Constitution* which discusses both the R.S.F.S.R. and U.S.S.R. texts. Raoul Labry's *Une Legislation Communiste* is particularly valuable for the earliest soviet decrees of a constitutional character. Cf. also Pierre Ginoulhac's *La Constitution de la republique federative des soviets en Russie*, Mirkine-Guetzevitch's *La Constitution de l'Union des Republiques Socialistes Sovietiques* and A. Pilenco's *La Federation Sovietique*.

tion, the calling into existence of new and powerful classes, made imperative a transfer of the locus of political authority and worked with a certain slow but dramatic inevitability to accomplish the eventual destruction, in economic root and intellectual branch, of the autocracy of the Romanovs.

An intimate study of the last quarter of a century of the empire reveals the intricate interplay of the centripetal and centrifugal forces at work. After the warning tremor of 1905 came that critical decade between the initial unleashing of disruptive forces in the revolutionary outbreaks at the close of the Russo-Japanese war and the final collapse of the imposing edifice of imperial authority in the March days of 1917. During that period the reactionary centripetal forces of centralization, russification and pan-Slavic imperialism never ceased to operate. Governmental authority continued to be based on the support of the small classes which were themselves largely dependent on autocracy for their prestige. Those crucial years represented the last innings of a régime which was destined by its anachronistic character to be completely discarded when the incentive moment should come. When the March revolution broke, the controls which had bound the vast masses of Russia in passive, inert submission to the throne, the dynasty, the state and the church were all removed.

Although the initial unity of feeling produced by the joy of liberation was well-nigh universal, it was not long before the operation of the disintegrating forces was manifest, as successively Finland, Poland and the remaining border nationalities, including the Ukraine, gave vent to their demands for autonomy and, eventually, independence. Such were the inescapable consequences of a policy of repression. Various factors, including the inefficiency of the old régime, the enervation of the nation at large due to the war, the loss of the productive man-power of the mobilized armies, all told heavily. In the last analysis, the factors that produced the aggravated separatism of 1917-1919 were both psychological and economic, each supplementing the other. The removal of repression expressed by the March revolution and the breakdown of the old economic order combined to accentuate the demands of the various regions for a greater largess of freedom. Under such conditions, with a pro-

visional government that practiced temporization, the time was ripe, the moment incentive to far-reaching political and economic experimentation.

The situation played definitely into the hands of extremist leaders who, crystallizing the amorphous sentiment of revolution around the concrete catchwords of the historic peace-land-bread trilogy, drew to themselves, despite their terroristic methods, the masses of rural and urban workers. Buttressed largely by this vast populace, it was easy for the Bolsheviks to complete the work of disruption and destruction. Realists that they were, they preferred not to check the centrifugal forces for whose existence they were not responsible, but so to formulate their policy, so shape their program, as to ride to power before the process of disintegration should have gone too far and irretrievable disunion should have become rampant. Sensing the incentive moment for assuming power, they then gave free rein to the nationalist and agrarian movements as the price of the retention of political control.

The consequences of the Bolshevik pursuit of such a policy have been noted in these pages. They reveal the interesting fact that the limits of communist expansion were set by bourgeois nationalism. Where rampant communism, militant and unashamed, endeavored to sovietize by force and convert by coercion the keenly nationalistic middle classes, bred and reared on the bourgeois tradition of middle-class rule inherited from industrialized Western Europe, the effort was a dismal, if bloody, failure. Much of the seed sown by the first broadcasters of communism fell by the wayside to be picked up and spread by the wayfaring malcontents who are birds of passage in every evolving society; but the gospel of communism fell on stony ground among the bourgeois classes everywhere. Hence its failure in the industrialized West, with its large and powerful middle classes; hence its lack of appeal to the intelligentsia and bourgeoisie of the Baltic coasts and Poland; hence, on the other hand, its allurements to the propertyless *mužik* in either European Russia or Central Asia, whether under Christian or Moslem mentors. Among such proletarian masses communist ideology could yield large harvest—if the economic circumstances were propitious.

It is not for us to say here whether economic conditions might have been more propitious for governments of another stamp than that of the soviets; it is sufficient to note that there were enough factors of an inauspicious character to make even a casual approximation to real communism impossible. The continuance of the war by virtue of the allied intervention, the depletion of the country's resources, including its great grain reserves, the absence of means for recouping these losses by imports in Russian bottoms—the merchant fleets having become the prey of the allies—all these plus the tenacious individualism of the rural peasantry, to alienate whom meant to lose all, paved the way for the downfall of the attempt at war communism. Even in Russia itself, communism perished among the economic brambles. With the defeat of Wrangel, with the ending of the intervention and the civil war, a change was inevitable. The New Economic Policy was the result.

Once war, civil and international, was ended, recuperation set in, although not until the undiluted communism of the war years had given way to the state capitalism of the NEP period. Henceforth communism was an end to be approximated, not a goal to be reached. It then became possible for more moderate policies to dominate in the Kremlin. With the restoration of limited private initiative in industry, with the opening of the Baltic ports to Russian commerce, with renewed military command of all Asiatic Russia, the centralizing forces could begin to reappear. It is no mere accident that barely a year and a half of the NEP produced the soviet union, and that the Caucasus, originally a focus of dissident separatism, was foremost in reentering the Russian fold. The reasons are not far to seek. Under the bludgeonings of civil war and economic misfortune, and despite the vagaries of communistic ideology, Russia had found in practice, under the soviet government, a solution for the basic problems of her political reconstruction. What the Czarist government had eternally refused, what the provisional government had but lukewarmly promised, i.e., cultural autonomy and national self-determination, became, under soviet auspices and soviet forms, a living, poignant reality.

But, while Central Europe found its essential self-realization under the forms of independence, bourgeois nationalist democ-

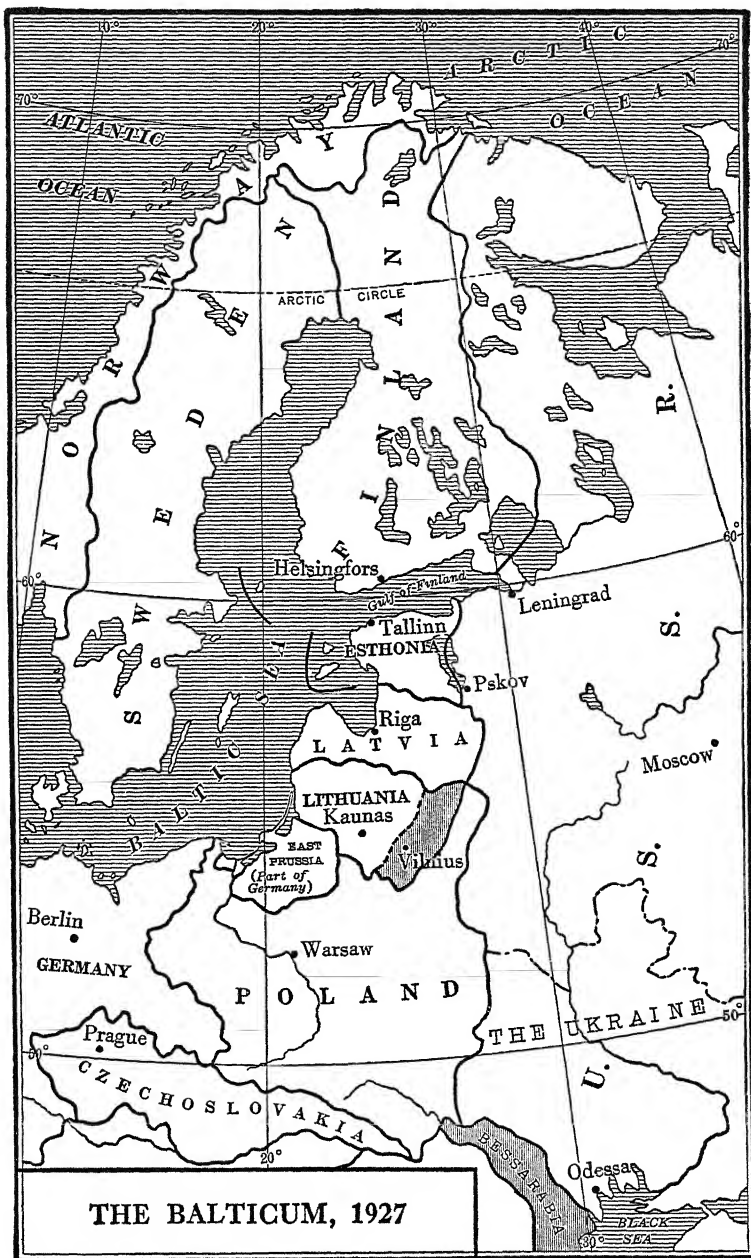
racy, and stringent economic protectionism, Russia's varying nationalities combined their less ample sphere of autonomy with a gigantic free trade orbit, whose sweep furnishes almost incalculable possibilities for the future—especially menacing possibilities for Western Europe. In the soviet union artificial trade barriers other than those flowing from the nature of the government's economic policy—which is undergoing rapid modification—have been largely removed. What Russia is economically today, what she has accomplished since the abandonment of communism, are largely due to the fact that she has had at her disposal the varied natural treasures which such a large area affords. In a very real sense it may be said that the soviet union has established a stronger unit of economic life than had ever been created by the Czars; the very regional regrouping of the vast area under soviet control according to scientifically ascertained needs and purposes will serve to accentuate the economic usefulness of the union and enhance its power, irrespective of the men at the helm or the minor fluctuations of internal policy.

There remain the problems as to what the future trend of both economic and constitutional development in Russia will be and what the policy of the government. One thing appears certain: the régime of undiluted communism is over and it is almost inconceivable that it could return. The trend of even official "communist" policy is ever more conservative. The expulsion of certain offenders, the forced resubmission of the Left element in the communist party for daring to question the growingly conservative tactics of the soviet leaders, are sufficient indications of the trend away from communism to show that the present holders of power will not be evicted from the Left. The drift rightwards is, however, necessarily slow; temporarily, although not ultimately, it appears to be more in the direction of a pseudo-proletarian fascism than toward democracy, however regrettable such a trend may seem to believers in responsible government and popular sovereignty. It is being accompanied by a simplification of the governmental machinery in the interests of efficiency which will probably serve as an eventual basis for a democratic movement. However, the decimation of the middle classes on which a democracy must. in its initial

stages, depend for support, has bereft Russia for the time of the principal champions of a democratic evolution, and it is problematic whether the democratic emigrés, even of the Kerensky type, would ever be able to assume leadership within Russia, should they be permitted to return, because of their lack of contact with conditions in the country itself.

The monarchists, for all their occasional clamor, are the remnants of a cause irretrievably lost. The ideology of absolutism, of autocracy, even of constitutional monarchy, has been too severely shattered by the communist régime ever to permit the idea of restoration to become a reality. For Hungary, after a few weeks of sovietism, black counter-revolution was still a possibility; for Russia, after years of soviet control, it is definitely excluded.

If, then, Russia is not to swing further to the Left, nor come back violently to the Right, where is the course of policy to lie? Apparently in the median zone of compromise, in the path which the soviet commissaries have followed since 1921, in continuous compromise with the *forms* of capitalism and the *spirit* of the agrarian revolution. Moscow must continually capitulate to the demands of the peasant farmers in order to remain—Moscow. Along this line of evolution appears to be the course of the soviet régime until a new class of self-made peasants comes to command authority. So long as a realistic policy is followed by Stalin and his coadjutors it may be possible, by a series of opportunist concessions, for the official communist group to keep contact with the peasantry and new farming classes. If, however, in the end, a breach occurs, there can be only two alternatives: an attempt at repression through the G.P.U., which could well be invoked against the few and scattered "Whites," but hardly against the numerically preponderant class of the nation, or else the total abdication of power. Such is the dilemma of the Bolshevik régime. The mean between impossible repression and complete surrender is, of necessity, continual compromise. It is along this tortuous path that Russia must move towards workable norms of economic life and representative institutions expressive of democratic national self-government.



CHAPTER VI

FINLAND: THE FIGHT FOR INDEPENDENCE

FINNISH CONSTITUTIONAL DEVELOPMENT TO 1905: *Russian Acquisition of Finland—The Personal Union Between Russia and Finland—The Russo-Finnish Constitutional Struggle—The Finnish Renaissance—First Period of Russification, 1899-1905—Bobrikov and von Plehve—The Clash on Conscription—End of First Period of Russification. REVOLUTION AND REACTION, 1905-1917: The Restoration of Finnish Liberties—Reconstruction of the Diet—Stolypin's "Constitutional" Russification—The Régime of Baron Seyn—Wartime Russification—The Party Situation in 1916. FINLAND AND THE MARCH REVOLUTION: Re-restoration of Finnish Liberties—The Problem of Constitutional Succession—Direct Clash of Finnish and Russian Viewpoints—The Provisional Agreement of April 2, 1917. THE INDEPENDENCE MOVEMENT: The Demand for Self-determination—Trepidation of the Provisional Government—The "Independence Bill" of July 18, 1917—Dissolution of the Diet—Finnish Political Parties—Legal Consequences of the Independence Bill—Dispersal of the Rump Diet—The Socialist Program—Elections of 1917—Effects of the November Revolution on Finland—Final Proclamation of Independence—Diplomatic Recognition. THE FINNISH SOVIET: Finland as a Bridge for Bolshevism—Communist Strategy—Social Background of the Revolution—The Finnish Socialist Workmen's Republic and Its Program—Treaty with Russia—The Finnish Soviet Constitution—Civil War and German Intervention—The Red and White Terrors. THE KINGDOM OF FINLAND: German Political Machinations—Election of Prince Frederick Karl of Hesse—The Reaction Against Monarchy—Mannerheim as Regent—Final Recognition.*

FINNISH CONSTITUTIONAL DEVELOPMENT TO 1905

OF the westernmost provinces or parts of the old Romanov empire, the one most recently acquired and least assimilated by Russia was the Grand Duchy of Finland. This northwestern part of the European Russian domain, with its three and a half millions of population, came into the possession of Russia at the time of Alexander I, as the result of the deliberate partitioning of Europe between Alexander and Napoleon. By the Treaty of Frederikshamn of September 17, 1809, the Grand Duchy of Finland was torn from Sweden, from whom it had received its traditional culture and the Christian religion, and was annexed

to the possessions of the Russian crown. Thus the thrones of All the Russias, of Poland, and of Finland became one and inseparable.

As a result of this settlement, which gained for imperial Russia new windows on the west, Finland entered the Russian domain and presently began to feel the impress of Czarism. Although Alexander I, appearing at the Diet of Borga in 1808, swore, as did his successors, to "confirm" the Swedish constitution of 1772 and the Act of Union and Safety of 1789, the formal confirmation of the ancient liberties of the Grand Duchy was an empty formality. The stipulations of the acts referred to were never observed in their entirety. They could not, under the circumstances, have been carried out without seriously impairing the constitutional position of the Czar-Grand Duke. As the Autocrat of All the Russias, he could hardly have been compelled to express "the greatest abhorrence for Autocracy" or to profess the Lutheran faith.

As a matter of historic record, the Diet, the chief organ of government under the constitution of 1772, was not summoned from 1809 till 1863. In 1869, however, it received a new constitutional basis in the statutes passed reorganizing and redefining its powers. Moreover, the judicial branch of the government, comprising, under the constitution of 1772, a single supreme court for Finland was radically changed, leaving judicial authority almost exclusively in the hands of the legal department of the Senate;¹ the administrative procedure prescribed for the appointment of functionaries was continuously ignored, and the chief locus of executive authority, the governor-general, was unknown to the constitution of 1772. Numerous other instances of deviation from the fundamental law of the old Swedish monarchy testify to the way in which the Declaration of Borga and the subsequent lip-services paid to the rights of the Grand Duchy were observed by the Russian rulers. Suffice it here to note that the actual functioning of the legislative, executive, administrative and judicial departments of the government

¹ The Finnish Senate was not an upper chamber; rather it acted as an executive committee of the Diet, intrusted with sundry executive, judicial and administrative functions.

was at variance with the stipulations of the former constitution of the Grand Duchy, and that, in fact and in law, the ukases of the Czar and the rescripts of his viceroy, the governor-general, dictated the internal organization and the law and administration of the Grand Duchy.²

Finland, then, was an annexed and conquered province, but it found its constitutional position in the Russian domain distinctly anomalous. Although the incumbent Czar of the Russian throne was the same person as the Grand Duke of Finland, he was not Czar in Finland. Rather he was merely a constitutional ruler, governing, in theory, with the aid of the Finnish Diet, and administering the country, in theory directly, in fact through his subaltern. The international position of the Grand Duchy was also unique. The control of its foreign relations, of its war-making power, of all of its international transactions, lay in the hands of the ruler, and was intrusted by him to his personally appointed ministers, who were in no wise responsible to the Diet or to any Finnish authority. Thus, in the strictest sense, the union between Finland and Russia was a purely personal one, and was maintained as such for over a century before the endeavor was made, under Stolypin, to convert the single connection through the monarch into a firmer administrative, a real union.

This brief survey of the salient points of Finland's constitutional and international status serves to point out the uniqueness of these delicate arrangements and to suggest the numerous opportunities such anomalies furnished both Russian and Finnish nationalists to assert and maintain their national cultures. The

² The emphasis here laid upon the stipulations of the constitution of 1772 and the actual deviations from it, is due to the necessity of understanding the basis of existing institutions of the Grand Duchy, and the tenuousness of the appeals later made by Finnish jurists to the provisions of this sacrosanct constitution at the time of the declaration of independence and the selection of a monarch. The actual constitutional bases of the Finnish government, to 1911, are cleverly set forth in an apologetic brochure of the late Professor Nikolai D. Sergejevsky on *Finland: The Question of Autonomy and Fundamental Laws* (pp. 32-34, and *passim*) in which the author, a firm upholder of the old régime, endeavors faithfully to support the constitutional prerogatives of the Czar as against the historic Swedish charter.

outstanding points in the struggle of Finnish nationalism against the encroachments of russification centered primarily on the maintenance of Finnish autonomy, within the limits constitutionally prescribed by charter, tradition and precedent. The efforts of the Russian government to realize in fact and in law the unity of the empire, and the equality of rights and obligations under imperial citizenship, led repeatedly to the Czar's assertion of his unfettered prerogative over *obiter dicta* of deceased officials, or the dead hand of the past as found in musty charters of forgotten kings.

The struggle of Finnish nationalism for emancipation from the Russian yoke resembles in many ways the efforts of other nationalities for liberation. In the literary renaissance of the early nineteenth century, with the reconstruction of the Kalevala, the famous Finnish epic, and the revival of the spoken Finnish language, lay the initial impetus to the gradual national awakening that was destined ultimately both to overthrow the supremacy of Swedish culture and to prevent the consummation of russification. It is beyond our province here to recount the stages of that cultural evolution; it is enough to say that due to the reforms undertaken during the reign of Alexander II, Finland developed a high level of literacy, a distinctly advanced type of culture, in which German influences played no small part. She maintained a level of economic standards considerably above those prevalent in Russia, established an excellent system of schools, furnished the greater portion of seamen for the Russian merchant marine, utilized to the utmost the natural resources of the country and, in general, gave evidence of thrift, innate intellectual capacity and economic ability of a very high order. Within the limits permitted by the existing constitutional arrangements, Finland displayed marked ability at regulating matters of local government and administered its institutions with efficiency and economy. Freed from the military burdens borne by the rest of the citizenry of the empire, she lived until the end of the nineteenth century in increasing prosperity and general contentment. Even in the decade of russification that marked the reign of Alexander III, no attempt was made by the Czar-Grand Duke to carry out the policy in rela-

tion to his Finnish subjects. It was not until 1899, under the last of the Romanovs, that the attempt at genuine russification began for Finland.

The first period of russification began with the issuance of the imperial manifesto and the fundamental principles on February 15, 1899. Under the terms of these pronouncements, the Czar-Grand Duke, "while leaving in force existing principles on the promulgation of local laws relating exclusively to the needs of the Finnish country," declared it necessary to reserve for his own discretion "the immediate enumeration of subjects of general imperial legislation," i.e., the decision as to what matters should come within the jurisdiction of the Russian Committee of Ministers. In the summary of fundamental principles the scope of the term "general imperial legislation" was clearly defined to embrace both laws operating over the whole extent of the empire, including the Grand Duchy, and laws to be applied within the limits of the Grand Duchy if they concerned general state needs or were connected with the legislation of the empire. It soon became clear that this wide category of affairs which his predecessors had left unregulated, or wholly within the competence of the Finnish Diet, was now to be placed under the Czar's immediate prerogative, and that this was to be but the entering wedge in the laborious process of denuding the Finnish Diet of its powers.

Under the terms of this rescript, the Czar's two important minions, Bobrikov and von Plehve, began the process of intensive russification. The former, as governor-general, made himself intensely hated by his arbitrary conduct and his arrest and deportation of leading citizens who refused to obey the ordinances in which the Diet had not concurred, and was finally assassinated in 1904. The latter, as president of the Russian Committee of Ministers, abetted the process of legal denationalization of the Finns from Saint Petersburg until he met the same fate as Bobrikov.

The principal quarrel between the Grand Duchy and the imperial administrators was over the matter of military affairs. From the time of the annexation of Finland to 1901, the country had had a small volunteer army, really a territorial militia or

civic guard, devoted only to the defence of Finnish territory and, in consequence, exempt from participation in the wars undertaken by Russia. The attempt made in 1901 to extend compulsory military service to the Grand Duchy was entirely unsuccessful and met the desperate passive resistance of the Finns. Not only were the individuals inducted forcibly into the army recalcitrant and passively disobedient, but when they were haled before Finnish tribunals, they were promptly acquitted by Finnish judges, who held that they had violated no law, as the ordinances of the Grand Duke were in contravention of the Finnish constitution. For this attitude, the greater part of the judges were removed from office.

The first period of russification, from 1899 to 1905, was brought to a close by the revolution of 1905. It had been marked by the reduction of the power of the Diet to a purely consultative rôle, the introduction of Russian as the official language, the opening of Finnish public office to native Russians, the arbitrary removal of judicial officials, the suppression of freedom of speech, press and assembly and the establishment of a dictatorship under the governor-general. These were acts inferior in importance to the vital struggle over the question of military service, but cumulatively with it they supplied enough material to kindle revolution when it broke out in the rest of Russia.

REVOLUTION AND REACTION, 1905-1917

The new régime introduced in Russia by the October Manifesto was not the only victory of the revolution of 1905. Five days after the Czar had issued this constitutional charter, another manifesto was issued reestablishing the constitutional régime in Finland and abrogating most of the obnoxious measures of the preceding years. In particular the imperial government no longer demanded military service of the Finns; such service was provisionally commuted by a payment of ten million rubles until a constitutional law, passed by agreement between the Diet and the Grand Duke, should regulate the mat-

ter on a permanent basis. With their civic liberties restored and their native institutions once more functioning, it appeared that Finland would quickly become reconciled to living under a constitutional régime with Russia.

The chief gain from the period of constitutional reform which followed the revolutionary ferment of 1905 was the reconstruction of the Finnish Diet. That body, previously a gathering of the four estates of the nobility, the clergy, the bourgeoisie and the peasantry, was transformed by a law passed July 20, 1906, by the old Diet, into an ultra-democratic unicameral legislature elected by equal and universal suffrage. In addition, laws guaranteeing freedom of the press, of speech, and of assembly were passed with a view to establishing legal safeguards for the Finnish citizenry. In the course of two scant years Finland was thoroughly democratized, gained new constitutional privileges and appeared to be on the road to complete national autonomy.

The new régime of constitutional liberty was not destined to last long. Immediately upon the return of the Czar to reactionary policies under the guidance of Stolypin, russification began again along new and different lines. This time it was veneered with sufficient constitutionalism to disarm most of the criticisms that had been levelled at the denationalizing measures of the Bobrikov régime. The quarrel which Stolypin deliberately provoked with the Finnish Diet assumed two phases: first, the question of military affairs was revived; and secondly, the Duma was asked to sanction constitutionally what the Czar-Grand Duke had attempted to do unconstitutionally before 1905. Appealing to the Duma to "sustain against Finland the historic rights of the sovereignty of Russia," Stolypin sought to achieve with the aid of the Duma what had previously encountered popular opposition. In 1908 he introduced certain regulations to govern Russo-Finnish relations, and on June 2 of that year he induced the Czar-Grand Duke to sign a ukase placing the supreme control of Finnish legislation and administration, which properly belonged only to the sovereign in consultation with the Diet and the Finnish Senate, in the hands of the Russian Coun-

cil of Ministers. The return to this hateful policy was roundly condemned both in certain parts of Russia and abroad, and met with new resistance on the part of the Finns.

Finally, on June 30, 1910, a law defining the competence of the imperial legislative authorities was passed by the Duma and promulgated by the Czar. This went much further than the measures of 1899 had done and provided that all legislative questions touching Russian interests in any way whatsoever be withdrawn from the competence of the Finnish Diet and thenceforth be passed upon by the Duma and the Council of the Empire. Nineteen categories of legislation dealing with taxation, military service, the use of Russian as the official language, the Finnish constitution itself, the rights of the press, of assembly and of speech, were all included in the list, which was not intended to be exhaustive. Thus, at one stroke, Stolypin secured from the Czar the requisite power for the undoing of all that the Finnish Diet accomplished in the brief space of constitutionalism that separated the first period of russification from this more intensive dragooning of the Finns. To be sure, all the authority given under this ukase was never put into force in pre-war days, but the mere possession of that authority was sufficient to antagonize the Finns even more bitterly than under the purely arbitrary régime of Bobrikov.

But Stolypin went further. He appointed as governor-general of Finland Baron Seyn, the right-hand man of Bobrikov, a man who was destined to attempt still further denationalization of the Finns. Under Seyn's régime matters went from bad to worse, and the protests of the Diet went unheeded. The courts again took their stand that legislation passed for the Grand Duchy—now by the Duma and Council of the Empire instead of merely the Committee of Ministers—were violative of the fundamental law of 1906 defining the competence of the Diet. They refused to enforce the laws or punish alleged violators. For this all the members of the Viborg court of appeals were imprisoned along with ordinary criminals at Saint Petersburg.

The military question was solved by Stolypin through the imposition of the commutation tax on Finland despite the re-

fusal of the Diet to sanction it. To meet military expenditures the tax was doubled and a sum of 20,000,000 rubles taken out of the Finnish treasury from the funds allocated to the various ordinary Finnish services, such as education, public health, etc. With no thought of actually exempting the Finns permanently from military service, this fiscal contribution was regarded by Kokovtsev and Goremykin, Stolypin's immediate successors, as a commutation of a recognized obligation the fulfillment of which could, in due season, be demanded. It is worthy of note, however, that despite these wretched arrangements, the Russian government did not dare, even after the outbreak of war, to levy Finnish recruits for its armies, and actually used Finland as a place for garrisoning the reserve forces of the armies. Thus, when the World War finally came, the loyalty of Finnish recruits was not to be tested by their induction into the Czar's army, and Finland, however oppressed in other ways,³ at least went militarily free.

The effect of the war upon Finland was felt in other ways. The Finns awaited an imperial manifesto from the Czar-Grand Duke, giving the Grand Duchy a degree of autonomy such as the Grand Duke Nicholas promised to the Poles, but they were destined to disappointment. No manifestation of sympathy with their desires for cultural or political autonomy was forthcoming. Instead, with the beginning of November, 1914, new measures of russification went into effect. Their object was to

³ The data on the pre-war russification period may be found in numerous sources, though not with thorough detail in all instances. The ukase of February 3/15, 1899, and the fundamental principles of the same date, as well as the Law on Legislation of the Empire of June 17/30, 1910, are to be found in Sergejevsky, *op. cit.*, pp. 73-83. Other accounts of the same period may be found in Erich, Dr. Rafael, *Die Finnische Frage vor und nach der russischen Revolution*, esp. pp. 7-14; Hagelstam, Wentzel, *Les Nations Ressuscitées: La Finlande*, pp. 7-13; Henry, René, *La Question de Finlande au point de vue juridique* (1910); Gaillard, Gaston, *L'Allemagne et le Baltikum*, pp. 164-167; Söderhjelm, Henning, *La Revolution Rouge de Finlande en 1918*, pp. 5-14 and Pouvreau, Yvonne, *La Question Finlandaise*, pp. 28-34. For the wartime russification program of the Russian government, cf. *ibid.*, pp. 34-40. This is the most dispassionate and reliable account. For the rôle of the Finnish Diet, see Hornborg, E., "Le Parlement Finlandais," in Söderhjelm, Werner, *Finlande et Finlandais*, pp. 87-109.

reinforce the authority of the imperial government in Finland, to assure the proper execution of the laws and the maintenance of order, and to establish a stricter political and economic connection between Finland and the rest of the empire.

The iniquitousness of such measures as were set forth in the ukase of November 18, 1914, lay not only in their intrinsic import, their patent attempt to denationalize the Finns, but even more in the utterly unconstitutional way in which they were enacted. Under either the Finnish or Russian constitutions there existed legal means for the enactment of measures for the whole empire or for the Grand Duchy, and it seemed unthinkable that legislation should be passed in violation of both. Yet a special commission nominated by the Czar undertook the elaboration of measures, without consultation with either the Finnish Diet or the Duma, thus flouting both of the existing constitutional authorities, and the ruler confirmed the measures as law without further question.⁴

Commanding an effective censorship on the news of the changes thus undertaken, the imperial government hardly concerned itself with the effect which such measures would produce, either upon public opinion in the outside world or upon Finland itself. In Finland the press was muzzled. The administration came more and more under Russian control, and numerous leaders of the Finnish nationalist movement, among them Judge Peter Svinhufvud, a former president of the Diet, who later assumed an important rôle in the independence movement, were imprisoned or exiled to Siberia. The governor-general was invested with a plenitude of authority such as was known only to Bobrikov. Thus Finland was silenced through the long three years preceding the March revolution of 1917. The Diet was prevented from meeting throughout the war and the political life of the country was practically at a standstill. Nevertheless, when the nominal term of the Diet expired in 1916, elections were held resulting in a victory for the socialist party,

⁴ For the full text of these measures see Document 1. The effect of the open proclamation of such measures can well be imagined. It certainly could only operate to make a final reconciliation with the Russian government impossible.

which secured 103 seats in the Diet to 97 for the representatives of the bourgeois parties.

The victory of the socialist party was by no means accidental. It marked the triumph of a well-disciplined group of leaders who had, from 1906 to 1914, formed a compact bloc in the Diet and had gained their ends by shrewd bargaining with the various bourgeois parties. Possessed, therefore, of a highly efficient organization and of a monopoly of the proletarian vote, it was able, in the decade preceding the Russian revolution, to carry out a large number of important reforms, including a land purchase bill, a total prohibition law, a compulsory education law, a bill for the removal of Jewish disabilities, and a law for the protection of factory workers.

But the socialist party owed its victory to other factors as well as its parliamentary record. Its opportunist way of buying support for its principal measures, and its wise moderation in the carrying out of its party program also aided in the party's success. Its chief ally in the elections of 1916 was the economic position of Finland, as the chief purveyor of dairy products and of timber for the Russian armies. War industries of great magnitude had sprung up over night in Finland and the resulting economic prosperity she enjoyed was unprecedented. With the decline of agriculture in the presence of such profitable occupations, large numbers of individuals left their agrarian or pastoral pursuits for work in the highly industrialized cities of Finland, while workers came by the thousands from Russia proper to assist in the manufacture of munitions and equipment for the armies at the front. Superficially, therefore, Finland appeared a rapidly and recently industrialized country, with a large floating population supported by war industries, and a fairly large group of landless hangers-on in the cities. To such a proletarian grouping the socialist program of economic reforms and further distribution of land made its appeal, notwithstanding the inability of the Diet to meet or transact business. The success of the socialists in the elections of 1916 is further attributable, according to bourgeois views, to the deliberate abstention from the elections of a large part of the conservative elements as a protest against the russification program

of the Russian government. In any event, political prestige, the exigencies of the economic situation and the disorganization of the bourgeois groups played into the hands of the socialists and their "paper victory" was destined, contrary to Russian expectations, to become a very poignant reality.

FINLAND AND THE MARCH REVOLUTION

Into this tense racial, political, and economic situation the Russian revolution suddenly burst. The rapidity with which it brought liberty to the Russian and the Finnish people alike was overwhelming. Overnight, on the appearance of the provisional government in Petrograd, and the abdication of the Czar-Grand Duke, Finland was liberated beyond the wildest anticipations of her citizenry. Mention has previously been made of the rôle played by the Russian provisional government in confirming *ab initio* through its March Manifesto the constitutional rights and privileges of Finland and restoring matters, so far as was possible, to the situation of 1899, before the beginning of active russification.⁵ With the release of political prisoners, the restoration of the constitution, the convocation of the Diet, and the removal of all the hated officials of the old régime, it appeared that Finland again was on the eve of a slow, orderly and happy evolution towards a liberal autonomy and a felicitous reconciliation with Russia.

The reign of concord did not last long. Apart from the excesses committed by Russian soldiers garrisoned in Finland, there sprang up almost immediately after the meeting of the Diet controversies with the provisional government which lasted until the latter's overthrow by the soviet. The lines which the controversy followed are not without significance, and the theories advanced by Finnish constitutional lawyers are illuminating. In the first place, the abdication of the Czar-Grand Duke produced a critical situation. The autocrat had been the sole link, according to Finnish constitutional theory, between the Russian and the Finnish states. Now that the autocrat was gone, who was his legitimate successor? There could be no ques-

⁵ Cf. Chapter II, pp. 47-48, *ante*.

tion as to the legal succession of authority in Russia. With scrupulous meticulousness Shulgin and Guchkov had seen that the provisional government should inherit its powers from the Czar, by his appointment of Prince Lvov as premier in his parting moments as Autocrat of All the Russias. Furthermore, the Grand Duke Michael, as the emperor-designate, had willingly asked the nation to cooperate with the provisional government, but all this applied merely to Russia. What of the existing authority in Finland?

The answers to these questions were not unanimous; throughout it must be recognized that theory sometimes strangely conflicted with the practice of both Finns and Russians. Thus the provisional government, assuming that it inherited all the constitutional prerogatives of the Czar-Grand Duke, removed governors, confirmed the Finnish constitution (when it well knew that at law the Acts of 1772 and 1789 were, *per se*, unobservable), and, finally, convoked the Diet. Such actions could not have been taken without the assumption of constitutional succession to the Grand Duke. The difficulty in the position of the Finns was that they rejoiced at all such acts, and only later, on mature consideration, realized what the exercise of such authority by the Russian provisional government with the assent of the Finnish population and Diet really involved. It involved a tacit recognition in the first two instances, and an open recognition in the third that the provisional government was in reality supplanting the Czar-Grand Duke and acting as the *de facto* administrative group at the head of both Russia and the Grand Duchy.

To extricate Finland from this position and establish a claim to independence would in itself be difficult; to avoid recognition of the Russian government was even harder. It might be possible on the bases of legal theory to claim that, with the overthrow and abdication of the Czar, the Grand Duchy had regained her independence politically and might proceed through the Diet to select a new head of the state; actually, not only did the Finns undertake negotiations with the provisional government, but took their instructions from Petrograd practically without demur. But even so, the position was recognized by

both sides as anomalous; neither wished to perpetuate the condition of affairs which the war and the revolution had bequeathed, and it was presently obvious that some regulation of the situation must ensue.

In this, as in so many other cases, the provisional government, while being willing to enter into some temporary arrangement, held to the theory that only the Russian constituent assembly could alter the boundaries of the country, change definitely political relations and confirm provisional arrangements. But the convoking of the assembly was continually deferred. In the meantime, the Finnish nationalist leaders, particularly after the meeting of the Diet, began slowly to evolve their own theories as to how executive and legislative powers should be exercised. Differing in increasing measure with the provisional government, they gradually drifted into the course that was bound to mean a revolution, and an open effort to establish independence. The Finnish constitutional lawyers, headed by Senator Holsti, himself an eminent authority, held that whatever might be the *de facto* relationships entered into with the provisional government, *de jure* the rights of the Grand Duke had lapsed, and in default of a legal successor of the Grand Ducal line, the rights of the executive reverted, under Finno-Swedish constitutional law, to the Diet itself, which might make such arrangements as it saw fit.

Here, then, arose the antithesis of viewpoints: the provisional government regarded itself as the sole successor to all the rights of the deposed and overthrown sovereign; the Diet claimed for itself the prerogatives of the Grand Duke. Of necessity, if an open rupture was to be avoided, these conflicting views must be reconciled. The great fear of Russia was that Finland would undertake to alter the constitutional arrangements unilaterally, as the Czar himself had done, whereas it was necessary in the interests of both countries to arrange the matter on a basis of compromise and concerted action.⁶

⁶ A variant of the theories propounded by Senator Holsti was put forward by Professor Rafael Erich of Helsingfors University, later the actual negotiator of Finland's peace with Germany, to the effect that Finland had automatically become an independent state by the fact of the dissolution

The first effort at concert between the Russian and Finnish governments took the form of a bill drafted by the Senate on April 2, 1917, defining the respective jurisdictions of the Finnish Senate which had actually assumed the rôle of a cabinet, and the provisional government. Before it could be passed, the Diet raised the question of the authority to sign bills passed by it, and finally resolved on May 17, that, "without surrendering its right to decide the question on whom depends the sanctioning of Finland's laws, but expressing its consent to the sanctioning of the present bill by the provisional government," it would pass necessary legislation. This settled the question for the moment, but a matter of far greater significance than mere constitutional pettifogging presently arose when the demand for Finnish independence on the basis of the self-determination of nations was broached by the Swedish members of the Diet. Hitherto the demands for the restoration of Finland's freedom had rested on purely technical, constitutional grounds; now a new system of natural rights was called into being to support the claims of Finnish nationalism.

THE INDEPENDENCE MOVEMENT

It was the influence of the concept of self-determination⁷ which most seriously disturbed the good understanding between

of the personal union, and that hence Finland's relations with Russia should be determined by voluntary treaties between two sovereign states. It would appear that this was the doctrine either knowingly or unwittingly followed by the Russian soviet government in making its terms with both the Red and White governments in Finland. Still another theory as to Finland's position was that which contended "that the Grand Duke's prerogatives had disappeared, leaving constitutional vacuum, or that they had passed to the Finnish people just as the Czar's prerogatives as sovereign of Russia had passed to the Russian people. In the latter case Finland had *de jure* attained full independence." The treatment of this subject is skilfully portrayed by Long, Robert Crozier, in an article on "Finland's Independence," *Fortnightly Review*, Vol. 108, pp. 646-663, at pp. 648-9.

⁷ It is of interest to note in passing that it was during these tumultuous months following the outbreak of the Russian revolution that the dual formula of peace without indemnities or annexations and its inevitable counterpart, the self-determination of the non-annexable nations, came into being. In Finland, where fine-spun distinctions of constitutional law were

the provisional government and the Finnish Senate. The provisional government was ready to concede Finland autonomy—that had been decided in advance by the March Manifesto—but it was unwilling to do more. The draft agreement^s which the Senate and the provisional government prepared was avowedly designed to be temporary but expressly stipulated that the Diet must have its share in the final political arrangements entered into, presumably at the time of the meeting of the Russian constituent assembly.

Actually the scope of authority granted the Finnish government was little more than that which Finland had enjoyed before the russification process began in 1899, except that the principle of ministerial responsibility was vaguely introduced, and that the governor-general had no choice but to appoint the cabinet or Senate from among the persons enjoying the confidence of the Diet. In brief, the arrangements under the draft bill could, by broad interpretation, have given to Finland as wide powers as those enjoyed by any one of the British self-governing dominions, while by narrow, strict construction they would have left Finland little better off than after the revolution of 1905. Nothing in the bill required the Senate to establish genuine responsible government, and the demand for a ministry possessing the confidence of the Diet would not have involved of necessity the introduction of a parliamentary system.

It is easy to see in retrospect that the provisional government

turned into a patriotic virtue, the interaction between the formula of self-determination and inherited constitutional rights is seen at its best. In other portions of the empire there was less of a constitutional background; in other regions the doctrine of self-determination was grasped instinctively in default of constitutional traditions of submerged nationalities. But, in the main, it was in Finland that the evolution of the formula of self-determination took place with greatest ease. Thus, when a comparison is made between the revolutionary events of Eastern Europe in 1917 and the revolutions in Central Europe a year later, it will be observed that the pathway to liberation, through the conjuring up of the doctrine of self-determination, was first trod in Eastern Europe, and that when the peoples of the Dual Monarchy pursued a similar course the trail was already blazed by their kinsmen or co-revolutionaries in the border states of the old Russian Empire. Cf. *New Governments of Central Europe*, pp. 123-130.

^s See Document 2.

was unwilling to face matters squarely. The constitutional lawyers who had come to power under Prince Lvov's régime still dealt with political terminology learned under the old régime and were incapable of grasping or coping with the ideas bound up with the concept of self-determination. Thus, while the Cadet ministry would have placed all Russia in a strait jacket until the meeting of the constituent assembly, it was left to more intrepid souls to meet the needs of the hour. The ferment of self-determination found its way into the Finnish Diet and under complex and somewhat conflicting influences the Diet drastically amended the government's project for regulating the relations between Finland and Russia. Subsequently, on July 18, 1917, it passed the "law concerning the realization of higher power in Finland," a law destined to cause a break with the provisional government.⁹

The importance of this statute, which has come to be called the "Independence Bill," lies in its complete change of underlying theories. It substituted for the theory of power resident *de facto* in the hands of the provisional government of Russia, the idea of the vacancy of power which accorded to the Diet the privilege of becoming the acting executive. In a very definite way, the bill placed plenary governmental powers in the hands of the Diet, it being the natural reaction of the Finnish statesmen to place political authority in legislative hands, where it might at least avoid that high degree of concentration which it had reached in the hands of the governor-general. As if in anticipation of the conflict with the provisional government which was to follow, the bill provided that the Diet *alone* had legislative power, and, in particular, that it could not be dissolved. This left merely the shell of Russian authority, without any substance. For the sake of form, military and diplomatic matters were excluded from the competence of the Diet, but for all practical purposes all political authority, apart from the exercise of judicial power, was, for the most part, conferred upon the Diet. By excepting the exercise of judicial power, it was not, of course, intended to leave the administration of justice in Russian hands, but the Diet preferred not to run the risk of monopolizing all

⁹ See Document 3.

political and legal authority, and thereby incur popular disfavor or the charge of arbitrariness.

The passage of this bill was a direct challenge to the provisional government, and Kerensky, who had just come into power, recognized it as such. In Helsingfors the governor-general, Stakhovitch, sought to dissuade the Diet from putting the bill into operation. He notified the citizenry that the provisional government, after having exhausted all legal means of reaching an agreement with the Diet, would, instead of resorting to force, appeal to the country by dissolving the Diet and ordering new elections. This, of course, conflicted directly with the provisions of the bill, granting the Diet itself power over its own life. The Senate, made up of six socialists and six non-socialists, with the governor-general presiding—and possessing the casting vote—decided on strict party lines, by a seven to six vote, to publish the dissolution manifesto of the provisional government,¹⁰ the six socialists voting against publication. When the manifesto was sent to the Diet, the presiding officer refused to read it to the assembly and simply declared the work of the Diet “suspended” until further order. The significance of this move lies in the fact that it marked the first open breach of policy between the provisional government and the socialist majority of the Diet and marked the initial divergence of paths which was ultimately to lead to civil war.

To understand the events immediately following the dissolution of the Diet, it is well to take stock of the party complexion of the body. As has previously been stated, the Finnish Social Democratic Party, the largest individual party in the Diet after 1906, secured, in the elections of 1916, a majority of the seats by a narrow margin. The party had a record of achievement behind it, of wise moderation, and of a strict pursuit of the best parliamentary tactics. Having been the chief instrument in bringing about the entirely peaceful and bloodless general strike of 1905 that had won initial liberty for Finland, the party had become the standard-bearer of a large mass of sober Finnish workmen, whose evolutionary socialist doctrines it embodied. Shoulder to shoulder with the other parties in the Diet the

¹⁰ See Document 5.

Finnish Social Democratic Party had worked for greater autonomy and greater constitutional liberty for Finland. When the Diet was called together in 1917, the party, which might with propriety have excluded the bourgeois parties altogether from the cabinet, or Senate, preferred to allow representatives of the other parties half the portfolios. The spirit of generosity thus shown found further expression in the collaboration of the various parties in the committee work of the Diet.

As a matter of fact, the movement for independence which led to the amending of the agreement reached between the Senate and the provisional government was largely the work of the Swedish People's Party, a group of Swedish-speaking representatives from the southernmost part of Finland, and representatives of the conservative aristocracy of the days of Swedish domination. Peculiarly enough the two parties, the Social Democrats and Svecomans (as the Swedish People's Party representatives were popularly called), although politically at opposite poles, were able to unite in the demand for Finnish independence. In the case of the former, this was true because the policy of the provisional government of Russia was not considered radical enough to meet the needs of the hour, and, in the case of the latter, because separation would undo the wrong that Sweden had suffered in the loss of Finland to Russia a century before and in all probability bring about an intimate rapprochement between Finland and Sweden.

Between these two parties came the Old Finns, the Young Finns and the Agrarians. The first two represented the typical exponents of the two main camps of Finnish nationalism. The Old Finns, supported in the earlier stages of the national movement by the Russian government and seeking to overthrow the supremacy of the Swedish language and tradition, had come, even during the period of russification, to assume a tolerant attitude toward Russia, hoping to gain more by compromise and concession and by adopting opportunist tactics than by fighting openly against the Russian authorities. In this respect they strongly resembled the Old Czechs¹¹ in the Austrian Reichsrat

¹¹ Cf. *New Governments of Central Europe*, pp. 120, 122, 269.

or the National Democrats among the Poles in the Duma. Their historic rôle had been one of upholding the national cause during decades of oppression and gradually undermining the position of the ruling authorities. But they were condemned by their past policy of compromise to be discarded as revolutionary leaders.

To the Young Finns, as Germanophil in their orientation as the Young Czechs had been Russophil, came the opportunity for aggressive action against the Russian government. They contributed much, in the ensuing months of constitutional and political struggle in Finland, towards bringing the independence movement, whether with German or other assistance, to a successful culmination. The Agrarians represented, as their name implies, the conservative small landowners and, in addition, the conservative or clerical intelligentsia. They devoted their attention principally to problems of land and social reform.

TABLE OF POLITICAL PARTIES IN THE FINNISH DIET

<i>Elections of</i>	1907	1908	1909	1910	1911	1916	1917
Social Democrats ..	80	83	83	86	87	103	92
Old Finns	58	53	48	42	42	33	} 61
Young Finns	25	26	28	28	28	22	
Agrarians	7	7	15	12	11	19	26
Svecomans	24	25	25	26	26	21	21
Christian Workers	2	2	1	1	1	1	—

Such was the situation and such the forces with which the independence movement had to cope. The dissolution of the Diet by the provisional government, with an appeal to the citizenry to maintain the established connection with Russia,¹² was bound to produce a sobering effect on the country. And the bourgeois parties in the Diet, now openly arrayed against the Social Democrats, were compelled to find a general meeting ground on which to base their stand. The consensus of their opinion was, first, that the elections should be carried through, so that the country might make a definite pronouncement on the question of the future relations to Russia; and, second, that the decision of the actual terms of those relationships should be reached by a joint

¹² Cf. Documents 4 and 5.

agreement between the new Diet and the All-Russian Constituent Assembly. This was sound constitutional doctrine from the Russian standpoint, and would undoubtedly have afforded an honorable exit from the impasse into which the passing of the Independence Bill had brought the Diet and the country.

On the other hand, the Social Democrats took an entirely different stand. There could be no question that the Independence Bill was legally passed; there was constitutional precedent for the allocation of executive authority to such persons as the Diet might choose to invest with supreme authority. As soon as the Independence Bill was voted, the Senate had resigned, to show its entire willingness to abide by the decision of the Diet, and the Diet, recognizing that it was now master of the political situation, had requested the cabinet to resume office. By implication, the governor-general was regarded as deposed, and the hitherto vice-president of the Senate (the premier) was assumed to have taken his place. As the Independence Bill was in force, the Diet alone could dissolve itself, hence the Social Democrats refused to admit that the provisional government had the power of dissolution. So far this was excellent theory, but when Social Democratic members began their political campaign at the elections in order not to be beaten and unrepresented in the new Diet,¹³ they thereby tacitly conformed to the view of the provisional government.

Meanwhile, all thought of settling the remaining points left undecided in the Independence Bill through a mixed Finno-Russian commission—an expedient suggested by the Helsingfors soviet of Russian sailors—was discarded. The suggestion of the soviet was not without merit, for it represented the exact procedure which the provisional government had adopted for the liquidation of Russo-Polish affairs, and that to which the

¹³ Butler, Ralph, *The New Eastern Europe*, p. 19 alleges that "in September the president of the Diet, without reference to the governor-general, ordered new elections" and that "the Senate drafted a bill establishing complete independence." This assertion is not supported by any other writers. Cf. Erich, *op. cit.*, p. 58; Gaillard, *op. cit.*, pp. 170-171; Long, Robert Crozier, *Russian Revolution Aspects*, pp. 156-7; Hagelstam, *op. cit.*, p. 16; Törngren, Adolf, *L'Indépendance Finlandaise*, pp. 410-411; and Blomstedt, Kaarlo, *Finland*, pp. 23-24.

Finnish and Russian governments eventually returned under the Treaty of Dorpat.

The Diet would not willingly give up its existence. Pending the elections, it continued to meet in a hall adjacent to the Diet building and on one occasion, when it attempted to adjourn to the Diet building proper, the hundred or more deputies were dispersed by force of arms under the orders of the governor-general. The president of the Diet, a socialist, forthwith protested to the governor-general, but fruitlessly. Even in this extremity, the leaders of the independence movement were compelled to acknowledge the presence and power of the Russian provisional government and its emissaries.

The socialist deputies were hard put to it to justify their position, constituting, as it did, an admission of the supremacy of the provisional government. They claimed, in party meetings and manifestoes, only the desire to let Finland develop freely. They had no resentment against Russia, and merely hoped that Finland and Russia, as independent republics, might be able to live side by side in amity. The socialists further wanted free trade with the neighboring countries and sought in no way to hamper commercial relations with the rest of Russia, on which Finland must, of necessity, be dependent. Finally, they sought to have Russia remove her garrisons from Finnish soil and held that in a free Finland no permanent army would be necessary. Claiming full authority for Finland in internal affairs, their party declarations explicitly laid claim to the country's right to control her own taxation and finances, to fill public offices solely with Finns and to pass laws for the control of living conditions of workers. The program is unique in its combination of nationalistic demands with the essential items of a socialistic platform.

The elections were duly held and resulted in a decided victory for the bourgeois parties, which possessed a substantial majority in the new Diet. When it met on November 1, the provisional government, now in its last moments, submitted a bill which was to redefine the relations between Finland and Russia. It accorded to the former complete autonomy in matters of internal concern, and left to the Russian government only the control

of foreign affairs. Apparently the problem of military relations was ignored.

For a moment all looked auspicious. But with the advent of the Bolsheviks to power in Russia and the overthrow of Kerensky, the new Diet faced an entirely different situation. It acted quickly by proclaiming the neutrality of Finland in the World War. Such a move was a significant indication that Finland had cut the last remaining tie with the Russian government.

Finding that the soviet government in Petrograd raised no objection, the Diet on November 15, declared itself vested, under the constitution of 1772, with the exercise of supreme power in Finland. What the bourgeois parties had been unwilling to carry out in July, when a governor-general was present at Helsingfors, now became thoroughly practicable, as the last governor-general had left the country at the beginning of the Bolshevik régime. A fortnight of this assertion of supreme power went unchallenged, and on December 5, 1917, the Diet formally proclaimed Finland an independent state.

Independence was now a reality in fact and in law, for the soviet government in Petrograd was not inclined to resist. The Diet had waited until it could make sure that the All-Russian Constituent Assembly—the sole body to which it might claim any possible connection—would not assert itself, before taking the decisive step. It had repudiated the old Senate and accorded its confidence to a new bourgeois one headed by Judge Svinhufvud. Forthwith it sent new emissaries to Stockholm, Berlin and Petrograd, to obtain formal recognition. At Stockholm and Berlin the courts were wary, fearing to undertake a premature recognition. As a result, Svinhufvud, as premier, and Enckell, as the first Finnish foreign minister, went directly to Petrograd and at the beginning of January secured the formal recognition of Finland by the soviet government. Recognition was thereupon quickly accorded by Sweden and several other European states.¹⁴

¹⁴ See note at end of this chapter, pp. 202-203.

THE FINNISH SOVIET

The inauguration of an era of independence was destined to bring Finland new dangers. Once the Russian connection was cut, the possibility of relying upon Russia for assistance was gone. And it soon appeared that the government in Petrograd, which accorded recognition so easily, had been motivated by ulterior purposes. The policy of the Bolshevik leaders in inaugurating and spreading a world-wide social revolution necessarily involved violent methods for the extension of the communistic dogma and the soviet organization. The methods of terrorism were those to which the Bolsheviks were habituated and they did not scruple to apply them to the regions which they chose to bring under their militant control. If Bolshevism was to infect the Western European countries and from thence pass to the rest of the world, it must find a bridge for its crossing. In Germany and the Dual Monarchy communism found no enthusiastic welcome; its negation of nationalism made it unacceptable to the Balkans; if any egress towards Western Europe was to be found, it must, of necessity, be via Finland. Thus the leaders of the Bolshevik movement in Russia deliberately fostered, both before they entered into control of the Russian government and afterwards, every manifestation of radical extremism in Finland. To its visionaries, the times were propitious for spreading the social revolution into Scandinavia, and all support that could be found for this program among the Finnish Social Democrats must be utilized. To that end, intense propaganda was spread among the working population of southern Finland. The Russian garrisons, already inoculated with the virus of Bolshevism, were ably seconded by the sailors of the Baltic fleet, which had been the first, at Kronstadt and elsewhere, to spread the communist doctrines.

Under these circumstances the Bolshevik emissaries appealed to the military and naval population which, ever since the outbreak of the March revolution, had formed itself into local soviets. In addition they endeavored to organize Red Guards "for the defence of the revolutionary democracy" among the workingmen. This covert militarization and arming of the pro-

letariat went on surreptitiously during the Social Democratic régime of the Finnish Senate under Kullervo Manner and Oscar Tokoi, and these men, no less than the socialist leaders in Russia, found it more and more difficult to follow the paths of moderation. So long as the Diet could be used as the legitimate vehicle for bringing about Finland's independence, under socialist control, there was little ground for complaint. But when the Diet was dissolved—illegally, as the socialists thought—there remained no legal recourse for the socialists, who were officially a majority and whose mandate was less than a year old, except to meet unofficially as *the* Diet and ignore the efforts of the bourgeois minority. The armed dispersion of the Diet only added to their resentment, although, as has already been shown, it was impossible to keep aloof from the election. At last, when the fortuitous majority was lost in the 1917 elections, there remained only one recourse—the resort to armed revolution.

The moment was, indeed, auspicious. The cities had come to shelter hundreds and thousands of idle workmen, for whom war industries no longer functioned; the possibility of earning a livelihood was virtually gone, the food supply was momentarily growing less; and the reserve stocks with which Russia had habitually supplied Finland in the winter months in exchange for manufactured products were no longer forthcoming. When, in addition to all these factors, there was added the influence of the reckless daring apaches of society, common law criminals released through the general amnesties of the provisional government, and the ordinary riff raff, a dangerous situation was created—a situation in which it was necessary only to strike the sparks of open class warfare to induce the most bitter civil war. If, under these circumstances, the Finnish Social Democrats followed the lead of the more intrepid communist elements, and endeavored to control the situation by placing themselves at the head of a Finnish soviet republic, it was only regrettable, not surprising.

On the other hand, factors opposed to a social revolution were not wanting. The terrain on which the plant of social revolution can be grown is not that of a régime of equitably distributed property in land or in personal possessions. Finland pos-

sessed, as Russia did not and could not, a relatively well-to-do farming class of independent small landowners, conservative in the best sense of the term and endowed with all the traits of an acquisitive society. In Finland, too, literacy was extremely high, and the naïveté of the Russian *mužik* was lacking. Men who were well read, who could see beyond the immediate difficulties of the moment, could not easily be stampeded into social revolution. What religious influences entered into play were not the forces that had made a virtue in Russia out of submission to the divine dictates of autocracy. The whole cultural background of the agrarian and large bourgeois classes was adverse to the propagation of social chaos.

Under the circumstances, it was to be expected that serious, determined and stubborn resistance would be made by large portions of the population to any forced dictatorship of the proletariat. Even the leaders of the socialist party saw this and counselled their followers and the Red Guards against trying conclusions with the bourgeoisie unless the cost was first counted, and a victory, which seemed problematic, was fairly assured in advance. But the words of warning uttered by such party leaders as sought to divorce the really conservatively socialist party from the communist soviets fell on deaf ears, and the Red Guards, in their impetuosity, dragged the Finnish Social Democratic Party behind them into civil war.

The direct preliminaries of the revolution began with the Senate's demand that the Diet authorize the necessary measures for the preservation of order. The Diet readily granted the authorization, and General Gustav Mannerheim, who had fought with distinction in the old Russian army, was placed at the head of the White Guards to be recruited for the preservation of public order. This open effort to end the Red Terror that had marked the disorderly forays of the Russian troops stationed in Finland was the signal for the Social Democrats to unleash the Red revolution with the aid of Russian bayonets.

From a military point of view, the ensuing encounters involved the seizing of all fortified places and the arming of the proletariat against the bourgeoisie. Politically it meant the proclamation, on January 28, 1918, of the Finnish Socialist

Workmen's Republic with four commissaries of the people at its head as the acting executive of the numerous soviets of workers and soldiers throughout the country. The doctrines, the program, the methods, all were borrowed from the Russian commissaries, save that the appeals to the peasantry were wanting. The reforms promised by the Finnish Socialist Workmen's Republic included the transformation of the entire machinery and organization of the state, the complete suppression of the bureaucracy, the entire abolition of the independence of the judiciary, and the making over of the frame of government so as to guarantee the rights of the workers. These were the constitutional changes to be made. In addition, the economic reforms were to include the provision of old age and disability insurance, the elimination of all reactionary tendencies in popular education, the liberation of the farmers and the lesser peasantry from the control of the great landed proprietors. Just how this was to be accomplished did not appear, as no redistribution of land was scheduled in this revolutionary program. Finally, the program promised the socialization of banks and large commercial and industrial enterprises.

It will be noted at a glance that the program was a strange hybrid of constitutional socialism and revolutionary communism. Nor were the extremist leaders among the rank and file of the working classes slow to note the dual character of the government's pronouncement. A group from the largest industrial plant in Finland condemned it as "oscillating between reformist tendencies worthy of the lesser bourgeoisie and the principles of the economic revolution." In fact it was never carried out. Despite the pleas of the soldiers' soviets for the complete overthrow of the bureaucracy, all that really took place by way of administrative change was to place new men in office and label every administrative department a soviet.

In legislation, the new government made new ventures and issued a multitude of decrees, few of which were ever put into force. As in Russia, the ordinary courts were suspended and revolutionary tribunals were established to try all cases involving danger to the cause of the revolution. A supreme revolutionary court which never actually came into being marked the

apex of the judicial system under the Red régime. The revolutionary government sought to finance itself by blowing the safes of the state treasury and forthwith paying out the money, but as this source of revenue was not unlimited, the printing presses were soon resorted to, and these presently flooded the country with worthless paper money, a large part of which was used to pay the exorbitant wages of the Red Guards.

Apart from a formal treaty with Russia and the preparing of a draft constitution, the tangible results of the Red régime in a legal way were imperceptible. The former comprised a formal agreement for peace between the soviet republics in which mutual claims were waived and a *modus vivendi* was reached for commercial and financial relations. A curious stipulation provided that Russian workmen living in Finland would enjoy the same political rights as Finns. The ingenuity of this arrangement, remarks Söderhjelm, was that it gave to the workers the opportunity of flooding the country with Russian citizens in order to assure their success in any future elections!

The constitutional proposals of the Finnish soviet government were equally unique. Although the draft was prepared by a socialist government, nothing was said therein concerning the nationalization of the means of production. It did, however, have stipulations providing for labor contracts between individuals. The constitutional draft bore rather the earmarks of a radically advanced democracy. Political power was to be vested, as under the "bourgeois" régime, in a unicameral Diet of 200 members, elected by all Finns over twenty years of age. Here again the democratic and not the socialistic or communistic constitutional principle was involved, as the franchise was granted ostensibly to all citizens, and not merely to the representatives of the working class. The executive authority, patterned after Swiss models, was to be vested in commissaries of the people chosen every three years by the Diet, and the activity of these commissaries was to be closely watched by the committees of the Diet. The administrative decisions, believed by the committees to be contrary to the will of the Diet, could be brought before that body for revision. Nothing was said of a judiciary. Finally direct legislation was introduced. On the petition of

10,000 citizens initiative measures could be submitted as bills to the Diet while one-twentieth of the voters participating at the previous general election might force a referendum on a law, an act of the commissaries or an ordinary administrative decision.

It was the intention of the drafters of the project to put the constitution in force following a referendum to be taken at the conclusion of the revolution. As that day never came, the constitutional draft was never adopted. It is of peculiar interest, however, because it shows how slight an impress the communist doctrine of single-class dictatorship and soviet control, legislatively and administratively, had made upon the socialist leaders. It is to be remembered that the fifth All-Russian Congress of Soviets had not yet passed upon even a temporary constitution for Soviet Russia, and that hence the Finnish Social Democratic leaders were left to their own devices in framing a new constitutional act. The project was, of course, incongruous, but it reveals very clearly the influences which long residence in America had made upon Tokoi, the commissary for food supplies in the new government, who was largely its author. The initiative and referendum provisions of the draft could be reproduced almost integrally from some American state constitutions; the idea of a referendum to the people on the whole constitution came from the same or from Swiss sources. The idea of the referendum on political or administrative decisions, on the other hand, strongly resembles the principles of the recall—both of persons and of judicial or administrative decisions. When compared with the provisional constitution of March, 1919, adopted in Austria, it can readily be seen that the ideals of the Viennese and the Helsingfors Social Democrats were not far apart. Certainly, as the first soviet constitution, the provisional constitution of the Finnish Socialist Workmen's Republic occupies a unique position in the annals of constitutional evolution.

It is not germane to recount in any detail the course of the Red revolution and its repression. Suffice it to say that when the Svinhufvud government was ousted from Helsingfors by the combined forces of the Finnish Red Guards and the Helsingfors

soviet, it fled north to Vasa and there took the field against the revolutionists. Finding it necessary to appeal for assistance abroad, the White government of Finland turned to Sweden, but found the cabinet at Stockholm reluctant to give assistance, first, because of warm sympathies in official circles there for the cause of the Finnish workmen, and, second, because of the fear on the part of the Swedish government that any intervention in Finland would be considered by the allied governments as the abetting of the German cause. Under these circumstances the Svinhufvud government turned to Germany, who, fresh from new conquests in the Baltic and imposing victories at Brest-Litovsk, readily despatched General von der Goltz to restore order on Finnish soil.

With the assistance of German arms the White government was able to reconquer the country and put the Red Guards and their retainers to flight. As the Red Guards faced defeat, their members became undisciplined and added numberless atrocities to the ones previously committed. All in all, some four to six thousand persons, according to conservative estimates, met their death through the wanton acts of the Red Guards. But the victory of the White Guards of Svinhufvud and Mannerheim was hardly bloodless. In addition to fighting desperately in open struggle, they were merciless to their prisoners. It is estimated conservatively that 15,000 prisoners were killed by the White government, largely due to the orders of General Mannerheim, who set no bounds to his indignation at the acts of the Red Guards.

The situation of the prisoners taken by the White Guards and put into twelve great concentration camps was desperate. Due to the German occupation of the country, the breakdown of all transports and the pressure put on the neighboring countries by the allied governments, food was not permitted to come in from the west. Naturally the Russian soviet government was loath to come to the assistance of a country which had just put down a Bolshevik revolution. The decimation of the ranks of the prisoners by famine and disease was a natural consequence. With 80,000 prisoners to care for and to try, the government was forced to keep large numbers of innocent individuals,

or those who were guilty of but slight participation in the revolution, in the concentration camps, and these fared badly at the hands of their keepers. However, on two scores the Finnish government is to be absolved from blame. In the first place, it was impossible to procure food, and, secondly, the epidemic of influenza which was devastating all Europe could hardly be said to have been caused by the government.

Gradually, during the summer and autumn of 1918, progressive amnesty measures were undertaken by the government until, by March, 1919, only some 6,000 prisoners still lingered in jail. Among this number were forty members of the Diet belonging to the Social Democratic Party. One had been sentenced to death for high treason, seven to life imprisonment for high treason and sedition, and the remainder received long prison sentences. Such was the punishment meted out by the White government to the instigators and abettors of the Red revolution.¹⁵

THE KINGDOM OF FINLAND

The advent of the German troops in Finland not only gratified the desire of the White government at Vasa for deliverance from the joint Red Guard-Bolshevik menace, but conformed admirably to the designs of imperial Germany. The extension of German military control to an ice-free port on the Arctic Ocean which might serve as an excellent submarine base, the acquisition of strategic railroads along the Finno-Russian frontier which

¹⁵ The events of the Red revolution are treated with minute detail in Professor Henning Söderhjelm's *La Revolution Rouge de Finlande en 1918*, which has some exceptionally valuable documents. It is the main source for the constitutional aspects of the Red revolution. In regard to the White Terror, so-called, the official brochure entitled *The "White Terror" in Finland*, published by the government in 1919 contains a full account of selected speeches made in the Finnish Diet which reveal mostly the excesses of the Red, not the White, Terror. A careful comparison of the selected speeches with the unabbreviated parliamentary debates is hardly creditable to the editors of the official brochure, as the evidence on the side of the Social Democrats is entirely suppressed. An account of judicial process against prisoners finally brought to, and detained in, concentration camps, can hardly be said to be the equivalent of a candid statement as to the treatment received by prisoners who, for unknown reasons,

could be utilized as bases for operations against the allied front then forming at Murmansk and Archangel, the securing of control over the mineral and fuel resources of Finland—all these immediately subserved German ends. More than that, Germany desired to make of Finland a military satrapy such as she was creating in the entire western border-regions of Russia, and to impose upon Finland a German prince.

To such projects the Svinhufvud government lent itself eagerly, and, by the creation of a regency which Svinhufvud personally assumed after the completion of the reconquest of Finland by the German troops, a transitional stage from the republic to the monarchy was easily created. After numerous candidates had been put forward and withdrawn, the Diet, on October 9, 1918, finally decided to elect Prince Frederick Karl of Hesse to the throne of Finland. This action on the part of a rump Diet, from which the socialist elements had been almost entirely excluded, due to the implication of most of the Diet's socialist contingent in the Red revolution, was taken under German pressure at a time when the Svinhufvud government had been entirely brought under German sway.

That such a condition of affairs should be lasting appeared likely only to the blindest of reactionaries. Even the king-elect, who had been assiduously tutored in Finnish all summer, presently declared that he could not think of accepting for at

never arrived. The account of the judicial measures taken against prisoners is best portrayed by Blomstedt, Kaarlo, *Finland: Its Country and People, A Short Survey*, pp. 27-45. Briefer discussion of the Red régime and the aftermath is found in Hagelstam, *op. cit.*, pp. 16-17; Törnngren, p. 412; Reuter, pp. 511-512; Gaillard, pp. 172-177. The agreement of the Red government with the R.S.F.S.R. is given in the *Texts of the Finland "Peace,"* published in 1918 by the U. S. Department of State. The account of the ensuing German occupation is fully given in Von der Goltz, General Graf Rüdiger, *Meine Sendung in Finnland und im Baltikum*, from a standpoint utterly favorable to Germany and showing the full extent of the Svinhufvud government's subservience to Germany's designs, while from an allied viewpoint Gaillard, Gaston, *L'Allemagne et le Baltikum*, has allowed nothing damaging to the German government to escape his eye. Very naturally, materials from Finnish sources printed after 1918 gloss over or pass over in silence the period of German domination.

least two years, and presently, with the increasing defeat of the German armies in the West, the scales began to fall from the eyes of even the reactionaries. In the Diet the Agrarian and Progressive parties, the latter under the leadership of Stahlberg, had been unwilling to surrender their republicanism, and had voted against the monarchy, even though their associations were for the moment Germanophil. With the signing of the armistice, the tables were turned and the monarchist movement completely collapsed. The bulk of the occupying troops returned to Germany, the country was left without official connection with the Central Powers, and a clean sweep was made of those who had bowed the knee to the Teutonic Baal.

Under the circumstances, Svinhufvud, who had lost his head in the midst of German intrigue, resigned on November 13, 1918, without awaiting formal deposition. Thereupon General Mannerheim, who was momentarily regarded as the national hero on account of his leadership in crushing the Red revolution, was intrusted with the regency, and formed a new coalition cabinet under the premiership of Ingman, to succeed the Paasikivi cabinet which had functioned under Svinhufvud after his elevation to the regency. In this cabinet seven monarchists were brigaded with six republicans. For the moment, the issue of the form of government was not uppermost. Rather was it necessary to give a demonstration of the change of heart that had come over the Finnish government, lest its previous Germanophil connections should discredit the whole country's case in the eyes of the allied governments. This delicate task was undertaken by the new cabinet, which immediately sent Mannerheim to the allied capitals to consult the governments in regard to the recognition of Finland and the replenishing of the country's foodstuffs, of which the population was in dire need.

The mission was successful in every respect, although the allied governments deferred formal recognition until May, 1919. The arrival of food in Finland following the armistice averted the social dangers resulting from famine, and the country could safely turn to the problems of internal reconstruction. The promotion, by legislative and constitutional means, of national

rehabilitation was henceforth to be the principal preoccupation of Finnish statesmen, despite the efforts made by Mannerheim and the Russian reactionaries to implicate the country in anti-Bolshevik campaigns.

NOTE ON THE RECOGNITION OF FINLAND: The rapidity with which Finland secured international recognition is a matter of considerable interest. The recognition accorded by *Soviet Russia*, January 2, 1918, was instigated by the Finnish Social Democrats who were preparing the Red revolution. The reason for this is simple. The plan was to permit the Diet government to secure extensive recognition abroad first, and then to overthrow that government. The result would then be that Finland as a *state*, would already have received recognition, and that the new Finnish Workmen's Republic would have to be accepted as the *de facto* successor to the Diet government. The fact that this played openly into Bolshevik hands is seen in the immediate recognition given to the Finnish soviet government when it was established. The second power interested in the recognition of Finland was *Sweden*. Here recognition was given quickly on January 4, and followed immediately by *France*, who was desirous of not being forced to follow in the wake of *Germany*. The latter was anticipated by two days, and was forced to acknowledge the independence of Finland after France, much to the disgruntlement of Berlin. *England* temporized, instructing her consuls to enter into *de facto* relations with the government at Helsingfors, largely because of the hope still clung to by the British government that the soviets would permit the meeting of the constituent assembly. Of the other Great Powers, *Japan* remained aloof and apparently disinterested, *Italy* withheld recognition, apparently because of the manœuvres of the Finnish government in seeking both German and papal protection. The *United States*, having committed itself to the maintenance of the territorial integrity of the Russian Empire, was averse to recognizing any of the dissident portions, and had promised recognition only to an eventual Poland. Thus the chief allied Powers, with the exception of France, held back from taking this step, but the small European states did not. Following Germany, *Norway* and *Denmark* simultaneously on January 10 extended their hand of friendship to Finland, and *Austria*, the *Holy See*, *Spain*, *Greece*, *Switzerland*, *Holland*, *Persia* and the *Argentine* followed, most of the recognitions being extended before the German intervention in Finland. All of these recognitions—unless England be excepted—were unqualified save that Germany, in recognizing Finland's neutrality at the time of Brest-Litovsk negotiations with Russia insisted on the withdrawal of the Russian garrisons as the only measure compatible with that status. The legal correctness of this view is unquestionable, although it could hardly have been to Germany's political disadvantage to insist on this in view of a contemplated military intervention in Finland. Through the ensuing months of German domination none of the countries which had recognized Finland took any action, but France, on November 15, after the German armies had laid down their arms on the western front, withdrew her recognition of the Finnish government and left only a consular official in charge of the interests of French

nationals. The reasons alleged for this withdrawal of recognition were that "the government of the French Republic, not being able to consent to the recognition of a monarchy taking to itself a sovereign who was a national of an enemy state," held that "the election of the Prince of Hesse sufficed in itself to annul the recognition accorded the Finnish provisional government on the proclamation of Finnish independence." After this lapse, the Finnish government stood in bad grace with the allied governments until it was rerecognized on May 5, 1919, by Great Britain, and, on May 7, recognized by the United States. At the same time the Supreme Council of the Allied and Associated Powers rerecognized Finland and gave a legal sanction to her independent existence. At the first Assembly of the League of Nations in December, 1920, Finland was formally admitted to the League. For discussions of the problems raised by the efforts of Finland to obtain recognition, cf. Blomstedt, Kaarlo, *op. cit.*, p. 24; Hagelstam, *op. cit.*, p. 18; Törngren, *op. cit.*, p. 411; Reuter, *loc. cit.*, at p. 512; and Gaillard, *op. cit.*, pp. 214-215, and *passim*.

CHAPTER VII

FINLAND: DOMESTIC AND FOREIGN POLITICS, 1919-1927

DOMESTIC RECONSTRUCTION, 1918-1919: *Political Reorientation—The Restoration of Normalcy—Party Changes: (1) The Nationalist Coalition—(2) The Progressive Party—(3) The Swedish People's Party—(4) The Agrarian Party—(5) The Social Democratic Party—Diet Elections of 1919—Election of Stahlberg. THE CONSTITUTION OF JULY 17, 1919: Constitutional Drafts—Relations to Previous Constitutional Acts—General Provisions—Bill of Rights—Religious Associations—Education—National Defence—Legislation—Election of the President—Presidential Powers and Prerogatives—Ministerial Government—The Cabinet: Composition and Powers—Ministerial Responsibility—Local Government—The Judiciary—State Finances and Audit—Civil Service—Administrative Courts—Outstanding Features of the Constitution. TERRITORIAL PROBLEMS, 1919-1923: Finland's Undefined Frontiers: (1) The Åland Island Question—(2) Access to the White Sea and the Arctic Ocean—(3) Eastern Karelia—Relations with the Baltic States—Foreign Policy of Holsti—The Treaty of Dorpat. CONTEMPORARY FINNISH POLITICS: The Problem of a New Political Consensus—Failure of an All-Bourgeois Bloc—Vennola's Amnesty Bill—The Decline of Communism—Erich's Ministry of Experts—Ryti's Financial Reconstruction—Failure of a Baltic Union—Cajander's "Ministry of Functionaries"—The Elections of 1922: the Party Situation—Kallio: the Agrarian Reform Program—Kallio and the Communists—Dissolution of the Riksdag: Second Cajander Ministry—Elections of 1924—Second Ingman Cabinet: Political Stabilization—The Presidential Elections of 1925—The Problem of Electoral Reform—Tulenheimo and Second Kallio Cabinets—Tanner and the Socialists. SALIENT TRAITS IN FINNISH DEVELOPMENT.*

DOMESTIC RECONSTRUCTION, 1918-1919

THE international recognition of the Finnish state marked the culmination of the movement for independence, which extended over a period of almost a quarter of a century. Finland's main objective attained, it was left to the Finnish statesmen to set their house in order and to turn, as promptly as possible, to the political, constitutional and international consolidation of the country's new position. The task was not easy. Finland faced the matter-of-fact, post-war world of 1919 with-

out many friends, with ill-defined frontiers, with few resources, with social wounds that were still bleeding, yet with indomitable courage. Finnish nationalism, having survived both communism and monarchism, was henceforth determined to follow a median course in politics, and to turn towards a stable, orderly constitutional republicanism as the most promising means for peaceful entrance of the country into the newly organized Society of Nations.

The chief tasks of the Finnish government were domestic. It was generally understood that the Ingman cabinet, under the regency of Mannerheim, was to be purely a transitory one, to carry on the country's affairs until conditions returned to normal. With that end in view, a background for national normalcy was provided by the holding of municipal elections throughout the country during December, 1918, in order that the dislocated municipal life of the country might be placed on a firm footing and receive a new mandate from a liberated people. After these elections had been held, the government undertook the more serious step of dissolving the Diet and electing a new one. Certainly, after the vicissitudes of Finnish politics in 1917 and 1918, the creation of a new and constituent authority was of the utmost importance. This inevitably precipitated the already overdue realignment of political factions and parties.

In the course of two years of war and revolution party programs had naturally changed, and some of the parties had lost their *raison d'être*. The Finnish nationalist groups had been divided in pre-revolutionary days into Old Finns and Young Finns on the issue of their sympathy with Russia and with Germany respectively. For these the Russian and German revolutions completely altered the situation and meant the elimination of their respective mentors in foreign and domestic politics. It was impossible now for Finnish nationalists to favor either Bolshevik or anti-Bolshevik Russia, while the zealots who had drawn their inspiration from German Kultur had had a surfeit of Teutonic governmental doctrines during the period of occupation by the German armies. Although the Old Finns cast off their Russian affiliation, their attitude towards a monarchial

form of government did not change, hence, under the name of Unionists, or the Party of Concentration, they took their stand for a constitutional monarchy and supported the regent, Mannerheim.

The Young Finns, on the other hand, had become ardent converts to constitutional republicanism and a thoroughgoing democratic régime. It is not unlikely that their admiration of German models led them to change their political course still further on the entry of republican elements into power in Germany. Their republican trend, it is true, had revealed itself as early as the middle of 1918, when, under the leadership of Stahlberg, the Progressives, as they now called themselves, joined with the Agrarians in the rump Diet to oppose the election of Frederick Karl of Hesse. The Progressive Party, somewhat like its analogue, the German Democratic Party, served a very valuable purpose in the early part of 1919 in rallying the country to the acceptance of republican principles and a return to the norms of constitutional government. It has been destined since that time to play a continuous rôle in Finnish politics by furnishing leadership out of all proportion to its numerical strength in the country.

Of the other parties, the Svecomans, now calling themselves, after Germanic models, the Swedish People's Party, retained their essentially ultra-conservative character, while bending their energies almost exclusively towards providing legal safeguards against encroachments upon their linguistic and religious rights. Their contribution to the national life was destined to be meager in a country where their political dominance was definitely decadent, and their rôle has, on the whole, been distinctly secondary when compared to the Finnish parties proper.

The party that has come to assume the most important part in Finnish political life has been the Agrarian Party. The plan of breaking up large tracts and providing the Finnish peasantry with land in their own right in order to counteract the forces of communism has been of paramount importance in the political and economic development of the country. Forming, with the Progressives, a compact, well-organized group in the Center of the legislative body, the Agrarian Party has fur-

nished the mainstay of practically every ministry in the last seven years and has managed, by buying support for its measures now in this, now in that, quarter, to enact a considerable portion of its original program.

Last of all were the Social Democrats. Their situation was indeed difficult, if not tragic. Their rank and file, led by ambitious leaders like Tokoi and Haapalainen, Manner and Sirola, had gone to the support of both the Russian soldiery and the parliamentary leaders through the forming of the Red Guards. The mass of the party, therefore, had supported, in an hour of madness, the Red revolution and terror, and was now forced to pay the penalty. The majority of 103 which they had commanded in 1916 had been cut to 92 by the elections of 1917. Now, after the revolution, it was destined to be further reduced to 80, partly due to the fact that most of the socialist deputies elected in 1917 were languishing in jail, while the remainder were in voluntary exile in Russia and elsewhere. After having failed dismally to carry out the social revolution, the program of the party was bankrupt, and the friction between its more conservative and its communist wings obvious. It could count on no votes from the bourgeois groups, and the peasantry began their secession from its ranks to join those of the Agrarians.

Such was the party situation on the eve of the elections to the Diet in 1919. Their result was to throw political power into the hands of the bourgeois Finnish parties (with the exception of the Concentration Party) and the Swedish People's Party, to the exclusion of both socialists and monarchists. The coalition of Progressives, Agrarians and the Swedish People's Party following the elections was intended to create a republican *bloc* to secure the passage of a republican constitution. While the socialists were whole-heartedly republican, it was impossible to take them into the government, because memories of the social revolution were still fresh. Furthermore, their demands¹ were of such a character that the bourgeois coalition could not afford to make the requisite concessions to command their undivided and consistent support.

Amid such conditions a new ministry was organized under

¹ Cf. Document 13, *infra*.

Kaarlo Castren to conduct the government and bring about the passage of the permanent constitution. The cabinet was composed, much as was the case with its contemporary, the Kramář cabinet in Czechoslovakia,² of the best men from all the parties forming the republican bloc, to which certain experts, particularly in finance, were added. The time was ripe for the discarding of narrow partizan prejudices and the creation of a common consensus as to the fundamental law. It was under such circumstances that the constitution was finally drafted and passed. Immediately after the passage of the constitution Stahlberg, the Progressive leader, was elected president by an overwhelming majority over Mannerheim, whose irreconcilable attitude toward the socialists was generally felt to be an unnecessary widening of the social chasm already extant. In Stahlberg, formerly president of the Council of State and professor of administrative law in the University of Helsingfors, the nation acquired an able and trained executive and administrator who, until the end of his term in 1925, proved well worthy his office.

THE FINNISH CONSTITUTION OF JULY 17, 1919

The Finnish constitution was finally passed and proclaimed on July 17, 1919. At least three distinct drafts lay behind the finished document. The first of these was one prepared in the autumn of 1917 by Svinhufvud and doubtless used in the discussions of the committees of the Diet as a basis for other projects. The second was a draft produced by the Agrarians, while the third, and most influential, was the draft presented by Stahlberg, then leader of the Progressives. Within two months of the meeting of the Diet the draft constitution presented by the Agrarians in the government came up for discussion, but failed to reach the 5/6 vote demanded by the organic law of the Diet. For a moment the government thought of appealing to the country, but the danger of doing so while Mannerheim's prestige was still high abroad led the monarchist group of the Concentration Party to call upon the government

² Cf. *New Governments of Central Europe*, pp. 276-277.

for another draft. Thereupon the Stahlberg project was hurriedly discussed, declared urgent, and passed. As a trifling concession to the extreme conservatives, the right of the government to bestow decorations upon individuals was inserted, while the new Riksdag, or Chamber of Representatives, was denied the right to evict the president from office. All in all, "with the existing Diet," as a zealous partizan put it, "it was impossible to have a better constitution."

The Finnish constitution³ is necessarily affected by the fact that it does not build upon virgin ground, as did Russia and the succession states of the Central Empires. Nothing had occurred to invalidate the constitutional laws of 1906 and 1907, which had reorganized the Diet and Senate, save insofar as minor modifications were necessary to establish at law the responsibility of the ministry. Hence there was no flourish in the issuance of a constitution, and the preamble barely notes the necessity of developing and consolidating by new constitutional statutes the pre-existing Finnish constitution, to provide for the exercise of executive authority and the protection of individual rights.

The first section of the constitution⁴ declares Finland a sovereign republic. Power belongs to the people⁵ as represented in the Riksdag, or Diet, and is vested for executive purposes in the president of the republic and in the cabinet and the premier. For judicial purposes power is exercised by independent tribunals culminating in a supreme court and a supreme administrative court. It further declares the territory of the republic to be indivisible, and defines Finnish citizenship.

There follows a detailed bill of rights⁶ providing that Finnish citizens shall be equal before the law, and guaranteeing the

³ For a valuable commentary on the Finnish constitution, cf. Erich, Rafael, "La Constitution Finlandaise," *Revue de Droit International*, Vol. II, pp. 100-122.

⁴ Articles 1-4.

⁵ This, according to Erich (*op. cit.*, p. 108), "is the same as the more exact formula according to which the nation is the source of all public power, so that power 'emanates' from the people, or resides in it." But cf. Clark, R. T., on the Estonian constitution, pp. 292-293, *infra*.

⁶ Articles 5-16.

right of sojourn, domicile, travel and emigration, freedom of worship (so long as it is not violative of good morals) speech, press, assembly and association. Along with these familiar rights is guaranteed the legal protection of the health, honor, personal liberty and property of Finnish citizens, it being clearly stipulated that the labor power of citizens shall be under the special protection of the law. In this it appears that a special effort was made to provide a constitutional guarantee to the laboring classes lest they feel that the existing régime was solely the protector of capital. To that end, therefore, this constitutional stipulation is intended to defeat the communist agitator. On the other hand, a guarantee of expropriation of land for public utility purposes only on the basis of full compensation by law is provided in order to appease the conservatives who were most fearful as to the legal basis of thoroughgoing agrarian reform.

In addition to the foregoing, the bill of rights guarantees the inviolability of domicile and the secrecy of postal, telegraphic and telephonic communication; provides that no one shall be tried by any tribunal not possessing legal jurisdiction over him,⁷ (though exceptions to all these rights may be made in time of war or insurrection) and prohibits the awarding of titles of nobility or hereditary dignity. Finally, for the safeguarding of the linguistic rights⁸ of both Swedish and Finnish-speaking populations the use of both Finnish and Swedish as national languages is guaranteed. Courts and administrative authorities are to make use of both, the stipulations of the law applying equally to both languages, while both Swedish and Finnish populations are to be treated in accordance with identic principles in matters of education and material well-being.

In connection with the foregoing stipulations it is interesting to note here that various articles in other parts of the constitution have a bearing on the general problem of group rights, particularly as regards minority groups. As freedom of worship is established, and with it the freedom to change from one

⁷ Article 60 prohibits extraordinary tribunals.

⁸ The linguistic rights of minorities were given specific definition by a law of June 1, 1922. Cf. Erich, *op. cit.*, pp. 114-116.

religion to another, little is needed by way of constitutional regulation of religious organizations save to lay down the principle that the Evangelical Lutheran Church is governed, both as to its organization and administration, by ecclesiastical law, and that new religious organizations must be established in conformity with laws already in existence or passed for their special benefit.⁹

In matters of education the constitution makes provision for free public education for all racial groups in state-supported schools, for subsidies to appropriate technical, agricultural, commercial, navigation and art schools, as well as to such general intermediate schools as are not conducted at state expense. The state pledges itself to promote study and higher instruction along all educational lines, and finally guarantees the autonomy of the University of Helsingfors.¹⁰ In matters of national defence it is stipulated that every Finnish citizen, regardless of race, is required to participate in the defence of the country or make his contribution thereto as provided by law. As far as possible, however, army contingents are to be made up of Swedish or Finnish recruits separately. Instruction may be in either language, but military commands must be in Finnish. In case of war, the president must submit an ordinance regarding the military establishment to the cabinet, which must thereupon convoke the Riksdag.¹¹

The ordinance of 1906 creating the Diet had already provided formal constitutional enactments on the matter of legislation and legislative procedure, therefore the section of the constitution on legislation is very brief. It recognizes the organic act of the Diet, now to be called Riksdag,¹² as the basis for legislation, and defines legislative initiative, which may be exercised either by the president of the republic or the Riksdag,

⁹ Article 83. Detailed legal enforcement of these stipulations is based on a law of November 10, 1922.

¹⁰ Articles 77-82.

¹¹ Articles 75-76.

¹² The Riksdag is elected for a three-year term by the direct franchise of all citizens over 24 years of age, without distinction of sex, according to a system of proportional representation modeled on the D'Hondt plan in use in Belgium.

the ministry in power being intrusted in the former instance with the preparation of bills. The preliminary advice, or advisory opinion, of the highest ordinary and administrative tribunals may be requested, apparently for the purpose of preventing "unconstitutional" legislation. Similarly, the president may ask such advice upon bills passed before he signs them. The president possesses only a limited veto, as the Riksdag may, following a new election, pass a bill over his veto by a simple majority. The president is allowed a period of three months for signing bills, and if he fails to sign within that time, unlike the provision in the American constitution, it is specified that they do *not* become law.

Each law must state in its preamble whether it has been adopted by ordinary procedure or by that necessary for constitutional laws.¹³ Peculiarly, it is provided that if a bill has been passed over the president's veto, the president must nevertheless sign the bill and all bills must have the countersignature of the proper minister. All bills and laws and ordinances must, in consonance with the general principle of the equality of languages, be published in both Finnish and Swedish. Except as otherwise provided for in subsequent sections of the constitution, the president inherits an immense power of ordinance-making for administrative purposes, a power bequeathed to him by the former governors-general of Finland. Thus many things not covered in the constitution can be regulated by purely administrative ordinances, without the interference of the Riksdag therein.¹⁴

¹³ If constitutional amendments are voted, they do not go into effect until after the next parliamentary elections unless the Riksdag, by a 5/6 vote of those present, declares them urgent, in which case they must command a two-thirds majority. Cf. Erich, *op. cit.*, p. 117. Ordinary procedure demands three readings and passage by majority vote; nevertheless, on the demand of one-third the members of the Riksdag, a law may be held in abeyance until after the ensuing parliamentary elections. In this manner the effect of a referendum may be had without violating the forms of representative democracy.

¹⁴ Articles 17-22 and Article 28. This ordinance power is "inveterate in Swedish and Finnish public law" and is limited more by the rules of common law than by the prescriptions of the constitution itself. But such administrative ordinances, whether of a political or economic charac-

In the elaboration of the provisions governing the exercise of executive power the drafters of the Finnish constitution departed considerably from contemporary models, particularly with regard to the election of the chief executive. Whereas Germany in the Weimar instrument provided for the election of her president by the direct vote of the people, and the constitutions of Austria, Hungary and Czechoslovakia followed French models in having their national assemblies elect the chief executive,¹⁵ Finland deliberately adopted the obsolete American system of an electoral college. Thus she provided for indirect election by an electoral college chosen on the same basis and by the same electorate at the Riksdag. A majority of the votes cast by the electors is sufficient to elect. In case no one receives a majority, a second ballot is taken on the two candidates receiving the highest vote. In case of a tie, decision is made by lot.

The president-elect, by the mere fact of his election, is regarded as having vacated his other office, if a deputy or an administrator. The salary of the president is fixed by law from time to time and may be neither increased nor diminished during his term of office. He may be impeached and evicted from office. Pending impeachment trial, the premier conducts the affairs of state. In case of the eviction of the president from office by impeachment, a presidential election is immediately called to select his successor. Except by implication, as illustrated in the case of impeachment, no provision is made for filling the executive office in the absence of the president from the country or during his illness or other disability. It may safely be presumed, however, that the cabinet would be intrusted with the exercise of the titular executive authority under such circumstances. Such was in fact and in law the case when President Relander visited various neighboring countries in 1925 and 1926.

The creation of a presidential office with a high degree of authority was to be expected in a country which had established

ter, may not invade the field of statutory law nor contravene either statutes or the constitution. Cf. Erich, *op. cit.*, p. 111.

¹⁵ Cf. *New Governments of Central Europe*, pp. 58-59, 171, 249, 305.

the tradition of strongly centralized government under the Czarist régime and had accepted two regent-dictators in succession almost immediately thereafter. In the extent of his powers, the president far surpasses his French, German and Austrian contemporaries, and only the president of Czechoslovakia is comparable to him in political authority. His is the power of convoking the Riksdag in special session, of issuing orders for the holding of parliamentary elections, of opening, closing and dissolving the legislative chamber.¹⁶ Apart from this, the constitution does not govern definitely his relations to the legislative body, primarily because such relations were defined by the act of 1906 establishing the new Diet, and the powers therein ascribed to the Grand Duke have descended integrally to the president.¹⁶

Other powers of the president include the right of pardon, though amnesty requires general legislation; the command of the armed forces, which may be delegated in wartime; the grant of Finnish nationality to foreigners and the release of Finns from their nationality; the general supervision of the administration of the state and the conduct of foreign relations. In the latter two functions, very naturally, much of the work must be delegated, but the president may demand explanations from the directors of the administrative services and may order inspections. All communications to foreign powers, however, pass through the hands of the minister for foreign affairs, so that the theoretical discretion which is allowed the president in such matters is not in fact unlimited. Furthermore, "every treaty with a foreign power must be ratified by the Riksdag if it contains stipulations falling within the domain of legislation or if the constitution requires such ratification for other reasons." Apparently all treaties of peace must come before the Riksdag as "decisions in respect to peace and war shall be taken by the president with the consent of the Riksdag." This demonstrates the clarity with which the Finnish constitution puts into the

¹⁶ Cf. Articles 3, 16, 17, 18, 19, 20, 21, 23, 24, 26, 28, 29, 31, 54, 57, 72, 75, 78 and 80 of the Landtag Ordinance of July 20, 1906, in Daresté, *Les Constitutions Modernes*, 3rd edition, 1910, pp. 204-225, *passim*.

hands of the Diet final authority in matters of fundamental policy.¹⁷

In the extent to which it attempts to subject the ministry and ministerial deliberations and competence to constitutional regulations, the Finnish constitution goes far beyond the provisions of the other post-war constitutions. Presidential acts must receive the countersignature of the appropriate minister at a formal meeting of the cabinet, while matters concerning the cabinet as a whole are to be countersigned by the reporter of the cabinet. In view of the possibility of the delegation of military authority, the constitution provides for special regulations as to the presidential signature in military matters. In case individual ministers or the cabinet as a whole believe a decision of the president "contrary to law" or "contrary to a fundamental law," their signatures must be refused. Before doing so, however, they must first consult the Chancellor of Justice (the equivalent of an attorney-general) and obtain his opinion, following which they must request the president to withdraw or modify his decision.

As to the composition of the cabinet, stipulations are very carefully laid down: all must be native-born citizens of Finland known for their honesty and competence, and the Chancellor of Justice, his deputies and at least one other minister must be "profoundly learned in the law." No attempt is made by the constitution to set a limit to the number of members who may comprise the cabinet; as many as are necessary for the different branches of administration may be appointed, according to the laws passed on the subject.¹⁸ While general jurisdiction is conferred by law, the detailed allocation of business as between the different ministries is provided for by ordinance. The

¹⁷ For the general duties and powers of the president see Articles 23-33. Foreign affairs are governed by the provisions of Article 33.

¹⁸ The provisions at present in force flow from two laws of March 30, 1922, one on the number of ministries (ten at present) and their general competence, and the other on the treatment of affairs by the cabinet and the different ministries. The regulations adopted by the cabinet itself govern procedure and define in detail matters to be treated collectively and those to be handled by individual ministries.

prime minister heads the cabinet and presides over its sessions unless the president is present, in which case the latter presides. In case of the impeachment of the prime minister, the next minister in point of precedence (presumably either the oldest, or the minister for foreign affairs) takes his place. Five ministers constitute a quorum. All matters not otherwise delegated by ordinance to the decision of an individual minister in his capacity as head of a department are handled by the cabinet as a whole.

The powers of the cabinet are left largely undefined by the constitution. It provides that they must be defined in part by law, and in part may relate to "other questions of administration and government which have not been reserved to the president in the present constitution or in any other law or ordinance," and which have not been otherwise delegated or disposed of.¹⁹ Although somewhat vague as to content, the intent of such stipulations is plain. It was clearly the purpose of the framers of the constitution not to leave any governmental powers without authorities to carry them out. Hence all executive power not granted by law to the president or specifically to the cabinet is vested in the latter. Three thorny questions, relating to the administration of justice,²⁰ military affairs and the administration of the University of Helsingfors (which, as has already been noted, is constitutionally guaranteed autonomy) were withdrawn from the exclusive competence of the cabinet. In other matters concerning the competence of the ministry—matters usually falling under the ordinance power—the decision of the president is final.

The matter of ministerial responsibility, which the ordinance on the Diet had in no way touched in 1906, was left open

¹⁹ "The cabinet members, whether acting collectively or as individuals," says Erich (*op. cit.*, pp. 109-110), "have a sphere of activity of their own which is *not* based on a delegation of presidential power. Their independent action and their political preponderance in parliamentary government belie such an assertion.

²⁰ This was a highly controversial matter at the time of the passage of the constitution on account of the large number of individuals whose lives, owing to their participation in the revolution of 1918, were largely dependent upon the acts of the Chancellor of Justice or the amnesty laws which might be passed by the Riksdag.

for the constitution makers. In consequence, the constitution stipulates that the members of the Council of State, as the cabinet is formally called, must enjoy the confidence of the Riksdag, but it is not definitely stipulated that they must belong to that body. As a result it has been possible in the operation of the government to select as members of the cabinet trained administrators who were in no wise connected with the Riksdag, as was the case with the Cajander ministry in 1922.²¹

The constitution further defines the responsibility of the ministers as of two kinds: administrative or non-administrative or political. According to Article 43, "The members of the Council of State shall be responsible to the Chamber of Representatives for their administrative acts." This stops short of the requirements laid down in the German constitution which define the administrative responsibility as either individual or collective,²² hence the constitutional provision is open to either interpretation. It is not unlikely, in view of the further definition of the duties of ministers toward their respective departments, that the principle of individual administrative responsibility will be followed. In regard to collective responsibility in other matters, the constitution holds each member participating in the settlement of any matter—apparently irrespective of its political or administrative character—responsible for the decision reached, unless he shall have expressed a different opinion as recorded in the minutes.

What effect this verbatim record-keeping at cabinet meetings and this open revelation of lack of unanimity among the ministries may ultimately have on ministerial stability it is difficult to foretell. Apparently the practice of taking minutes of deliberations was copied from British practice at the time in question. The legal responsibility of the ministers for carrying out acts known to be contrary to the law is provided for in the sections empowering their impeachment by the Chancellor of

²¹ Cf. *Bulletin Periodique de la Presse Scandinave*, No. 129, July 20, 1922.

²² Cf. *New Governments of Central Europe*, pp. 53-54; also Erich, *op. cit.*, pp. 112-114.

Justice at the instance of the president.²³ The procedure for impeachment is set forth in considerable detail.²⁴

The constitution devoted little attention to local government except to confirm in a blanket way the existing political subdivisions of the country and to make provision for the redistricting of regions in which the population is mixed, in order to include in each instance as small a linguistic minority as possible. The centralized prefectorial system of local government was already in force in Finland and there was no need of a change. While the cabinet retains control of decisions as to administrative subdivisions not otherwise provided for by law, administration is chiefly confided to provincial governors. No detailed provisions concerning the relation of these officials to the local governmental bodies are given, but the principle of local autonomy is affirmed.²⁵

The severance of Finland from connection with Russia did not operate to overthrow her well-developed judicial system. Nor did the communist and monarchist *coups d'état* alter the judiciary. In creating a national judiciary, Finland had little to do except to provide for supreme tribunals, as courts of first instance and appeal were already in existence. Thus a high court for the trial of impeachment cases is provided for, although its actual creation was left to subsequent law, while two supreme courts, one for the liquidation of ordinary lawsuits and the other for the final settlement of administrative cases, are created. Each of these highest courts has a chief justice or president and the necessary number of associate justices. Five constitute a quorum for business on ordinary matters, although greater or lesser numbers may be subsequently fixed by law. It is interesting to observe that although much attention is paid in the constitution to such concepts as illegality or contravention of a fundamental law, nothing is said in the section on the judiciary in regard to either the supremacy of

²³ Article 47.

²⁴ In default of an upper chamber, a high court is provided for in the section on the judiciary to try impeachment cases. The president can arraign all public officials; he himself can be arraigned only by the Riksdag. Cf. Erich, *op. cit.*, pp. 118-120.

²⁵ Articles 50-52.

the constitution over other laws or the power of the justices to declare laws in contravention of the fundamental law null and void.²⁶ This leaves the Finnish judiciary in an anomalous position at law. However, the inherited judicial tradition of appealing against the russification measures of the Czar's government to the ancient Swedo-Finnish constitution opens the way for a modern appeal to the constitution of 1919, particularly as its final provisions repeal the constitution of 1772 and the Act of Union and Safety of 1789.²⁷

A special section of the constitution is devoted to public finance, and stipulates that the general principles of public finance must be stated and elaborated by law. The constitution thus affirms existing financial legislation and paves the way for the incorporation of further principles of public finance. The consent of the Riksdag is necessary for the issue of a loan, either at home or abroad. Careful safeguards for the annual budget, the balancing of which is declared to be a fundamental principle, are incorporated among the articles in this section. All outstanding national obligations must first be met before other expenditures can be undertaken by the government. This appears to have been a stipulation inserted for the purpose of creating confidence abroad in both the willingness and the ability of Finland to pay her national and international obligations. The subsequent funding by Finland of her foreign debts suffices to show the earnestness with which the country has been striving to live up to constitutional and treaty obligations. In case the revenues of the year do not suffice, or modifications in the exist-

²⁶ "It is to be regretted," declares Erich (*op. cit.*, pp. 121-122), "that the constitution . . . has omitted to invest the tribunals, even those of highest instance, with the power to examine the constitutionality of an ordinary law, and to refuse to apply it in case it contains provisions contrary to constitutional rules. . . . In case an ordinary law should contain provisions which, according to a correct and faithful interpretation, would be contrary to a rule or principle of the constitution, the tribunals, and even the supreme courts, could hardly pretend to have competence to invalidate the law or to refuse to apply it. This is an incontestable defect in Finnish public law . . . as in a modern democracy the right of the courts, and above all, of the supreme courts, to examine the constitutionality of laws, ought to be considered as one of the most important guarantees of the constitution."

²⁷ Article 95.

ing budget appear necessary, a supplementary budget must be presented to the Riksdag.

In matters of audit, usually left out of a constitution in pre-war days,²⁸ Finland has borrowed directly from Great Britain. The Riksdag selects impartially the five auditors who must keep Finland's books ready at any time for inspection. They further are empowered to call upon all public officials for relevant data necessary for their supervision of the country's finances. Finally, the Bank of Finland is placed under directors appointed by and responsible to the Riksdag.²⁹ Much of this control was vested in the old Diet by the ordinance of 1906.³⁰

The last important section of the constitution is devoted to public offices. Herein are enumerated the positions to which appointments are made by the president or by the cabinet. It is specified that such appointees must possess "merit, capacity, and proved civic virtue." The appointment of the foreign representatives of the government, both consular and diplomatic, is left to the cabinet instead of the president. While the apparent motive is to guard against inculcating the president personally in case the appointees prove untrustworthy or discreditable, the possibility of making the professional foreign service open to the caprice of politics and the various positions therein vacatable on the change of a cabinet, has not been removed. However, in view of the general sobriety of Finnish public opinion it is hardly likely that such a spoils system will be inaugurated.

A peculiar provision permits the supreme court to appoint inferior justices and the burgomasters of towns. Herein appears a tendency inherited from the former Finnish Senate, whose functions were not only political but administrative and judicial, to permit the judicial branch to make such appointments. Furthermore, inasmuch as the burgomaster usually exercises the powers of a local justice, the situation in which he is placed by receiving his appointment through the judiciary is not, after

²⁸ Cf., however, the provisions of the constitutions for Esthonia, 291, 300; Latvia, 341; and Lithuania, 392.

²⁹ Articles 61-74, especially Article 73. Cf. Erich, *op. cit.*, pp. 117-118.

³⁰ Cf. Article 74.

all, anomalous. The larger cities, however, are permitted to acquire their burgomasters under special regulations.

Special emphasis is laid upon the legal safeguards both for and against officers. Judges may not be removed or transferred except at their own request although they may be forced to retire on reaching a given age. In view of the liquidation of a certain number of offices following the severing of connection with Russia, it was left to special regulations to take care of those officials whose offices were abolished. The responsibility of officers for obedience to, or deviation from, lawful ordinances is clearly specified, and the right of individuals to recover damages for illegal action of state officials is guaranteed. As in all countries distinguishing between ordinary and administrative courts, the responsibility of the state for losses to individuals or damage done by officers acting under due authorization, is affirmed. Special regulations also cover the enforcement of individual claims against the state in the administrative courts.

Such is the constitution of the republic of Finland. In seeking to develop a workable democratic system, the country has chosen to be eclectic and has borrowed—usually from the best—Russian, British and American constitutional practice. From the United States it has taken the dubious system for the election of the president, along with many vital powers which the American executive possesses. From England was taken the system of financial control over the workings of the administration. The practice, not unknown to American jurisprudence, of securing advisory legal opinions on given matters not merely from a politico-judicial officer but from the highest tribunals is a commendable one. On the whole, the local government system is a compromise between the old style centralized Russian control and the greater freedom accorded municipalities and local government bodies in Scandinavia and England.

With a wide franchise, a unicameral legislature and responsible government already in existence, few innovations were required. The bill of rights is one such as might be found in a mid-Victorian constitution, except that the guarantees of protection of the health and well-being of all classes and the development of the laboring classes were borrowed from Weimar. Here

alone are any of the gains of the post-war revolutionary constitutions observable. Otherwise, in the conservatism that followed the social revolution of 1918, Finland turned her back upon constitutional experimentation and sought no innovations. Only the appeal to the country on a vetoed bill, here borrowed from English usage and not from the American referendum, marks any popular sanctioning of legislation. Due, perhaps, to the overwhelming preponderance of those of Lutheran faith, no tinkering with the educational system was permitted to bring about the lamentable immixture of religious instruction with the public schools such as characterized the reactionary contemporary legislation alike in Germany³¹ and in Holland. From such a retrogression Finland has happily been saved.

TERRITORIAL PROBLEMS, 1919-1923

The passage of the constitution determined for Finland the framework of government, but did not touch upon the vital problem of the extent of her national territory. On every side the Finnish frontiers were legally undetermined. A series of intricate diplomatic negotiations was necessary in the ensuing years to clarify the exact territorial extent of the new state. To the west, Finland found herself in a dispute with Sweden over the Aaland Islands; on the north, she sought a seaport, through territorial cessions from either Russia or Norway; to the east, she beheld a fancied irredenta in the province of Eastern Karelia, Finnish by race, yet under soviet control; lastly, on the south, she faced the problem of delimiting her maritime frontier and the question of the attitude she must assume towards the Baltic states.

Of all these problems, that of the Aaland Islands was the most acute, since it bade fair to embroil Finland's relations with the Scandinavian states. So long as the islands were under German occupation, the question of their final allocation lay in abeyance, but once the German troops were withdrawn, intense bitterness of feeling arose between Finland and Sweden as to which should possess them. The problem was complicated by

³¹ Cf. *New Governments of Central Europe*. pp. 69-71.

the fact that the islands, although ethnically affiliated with Sweden, were strategically connected with the Finnish mainland. Taking advantage of the ferment of self-determination in all Europe, the native Aalanders rapidly seized upon the doctrine to justify their reunion to Sweden, from which, along with the rest of Finland, they had been torn by the Treaty of Frederikshamn in 1809. It is beyond our province here to trace the course of the controversy, with its varied political and diplomatic repercussions on both sides of the Gulf of Bothnia and in other parts of the world, except to note that in 1920, the committee of jurists appointed by the League of Nations to investigate the matter made its report, favorable to the claims of Finland and adverse to those of Sweden. With the subsequent signing of an international convention regulating the status of the Aaland Islands, the principal diplomatic controversy between Finland and her western neighbors was liquidated, and only friendly conversations, looking toward an agreement with Norway respecting the modification of the frontier lines between the two countries, were necessary for a final adjustment of this minor point concerning Finland's boundary.

In the extreme north, the limits of the ancient Grand Duchy had come almost to, but not actually upon, the White Sea. Now that Finland had foreign commerce to support, an ice-free port in the White Sea or the Arctic Ocean, giving ready egress for lumber cargoes to western Europe, became a matter not merely of academic interest, but of vital necessity to the nation. The extent of the zone to be acquired was the point in question. During the period of German domination, when the Teutonic masters of Finland had kept an eye out for all possible submarine bases, claims were put forward not only to the Kandalaksha district, with its strategic railway, but also to the whole Murman coast, then under allied occupation. Finally, demands were made for the whole of the Kola peninsula, including the Petchenga district, and possibly, by agreement with Norway, the Varanger Fjord as well. After the war, however, it was obvious that the government supported by allied bayonets at Archangel would not negotiate with Finland, nor did its Bolshevik successor. Not until the final liquidation of the

Russian problem as between Finland and Soviet Russia were the territorial readjustments concluded. Under the terms of the Treaty of Dorpat, Finland obtained from Russia the Petchenga district, and with it the possibility of direct access to the Arctic Ocean, but not to the White Sea.

To the east, Finland's territorial aims extended far beyond the frontiers of the old Grand Duchy as defined by the Treaty of Frederikshamn. Those boundaries were primarily strategic, not ethnic, hence there lay beyond the confines of historic Finland the regions of Ingria and Eastern Karelia, whose populace was ethnically affiliated to that of Finland. With the rise of Finnish nationalism in the nineteenth century, the deplorably backward condition of the inhabitants of these regions aroused the sympathies of their fellow Finns in the Grand Duchy. The contrast between a westernized, protestant, literate, highly educated, thrifty Finnish population in Finland, and a semi-pagan, illiterate, untutored, backward population in Ingria and Eastern Karelia, the victim of the denationalizing policies of the old Czarist government, was one which Finnish nationalism took deeply to heart. With the opportunity for national self-determination on the part of the Finns proper, came a movement among the nationalist leaders to rescue their unredeemed brethren to the east.

When Karelian refugees from Bolshevik terrorism came to the border and passed into the safekeeping of the Finns, it was hardly to be expected that the Finnish government would refrain from showing its sympathy. Actually, during 1918-1920, the zeal of the Finns was such that for a considerable period they held a border zone in Karelia, hoping eventually to acquire it by negotiation with Russia. In this they were destined to partial disappointment, as, by the final settlement, they obtained only part of Karelia, the soviet government being adamant upon retaining control of the Petrograd-Archangel railway for strategic purposes. By the Treaty of Dorpat, however, the soviet government pledged itself to allow extensive autonomy to Karelia, and with this Finland was forced to be content.³² As regards the

³² The subsequent effort of Finland to reopen the Karelian question in 1923 through an appeal to the Permanent Court of International Justice

remainder of her eastern frontier, Finland was successful in obtaining a fairly satisfactory boundary from Lake Ladoga to the Gulf of Finland. But the aim of both parties to the treaty, to obtain the neutralization of the Gulf of Finland, was not destined to be carried out.³³

The problem of defining Finland's relations with the other Baltic states carved out of the former Russian Empire presented no little difficulty. On the one hand, General Mannerheim, who had been influential in interceding for Finland with the allies in Paris, returned full of plans to aid the Russian reactionaries in a final bid for power through Finnish participation in an open anti-Bolshevik drive such as was actually staged by Judenitch in Esthonia. From his point of view, Finland could do much to redeem herself in the eyes of western Europe by assuming leadership in anti-Bolshevik movements and becoming a second Poland, as the burden-bearer for the allies in northern Europe. But Mannerheim's view was not that of Finnish nationalism, and the younger Finnish leaders questioned the advisability of restoring a Czar at Petrograd in view of their own tragic sufferings at the hands of the Czarist régime. Hence—not without backing from the other Scandinavian capitals—they pleaded for a strict neutrality in all border wars, while favoring joint action of all the border states for an early, honorable and clean peace. Despite the intrigues of Mannerheim and Lianosov, head of the so-called "Northwest Government of Russia," the point of view of Finnish nationalism prevailed, and Finland did not lend herself to any allied plans for imperialistic

to force fulfilment of these clauses of the Treaty of Dorpat, was destined to failure, as the court would not render an *ex parte* decision in default of Russia's participation in the litigation, and Russia refused to appear. However, the soviet government subsequently reorganized the Karelian Labor Commune into an autonomous socialist soviet republic, which position it now holds in the soviet constitutional system. Cf. Chapter IV, p. 111, *ante*.

³³ In 1925 and 1926 the Finnish and Esthonian governments negotiated a series of agreements with the U.S.S.R. relative to the control over the Gulf of Finland, assuring to Russia freedom of the sea lanes leading to soviet ports. Russia's demand that the Oesel and Dago Islands bordering the Gulf be neutralized was, however, rejected by Esthonia. Cf. *Izvestia*, April 24, 1926, and the *Berlin Rul*, April 29, 1926.

adventure into Russia. For the time being, her policy was one of "watchful waiting."

When, however, at the beginning of 1920, it became obvious that the Baltic states were about to abandon further war against Russia and make their peace with the soviet government, either jointly or singly, Finland was forced to adopt a definite, realistic policy of understanding with her neighbors to the south, lest, by their separate settlement with Russia, she should be left in a position of military and diplomatic isolation—a situation which would open the door to singularly unpleasant consequences. While no capitulation to Soviet Russia was thinkable, the idea of a peace of compromise by adroit negotiation came more and more to the fore. As soon as the Peace of Tartu had demonstrated the soviet government's will to make peace with Esthonia, such an idea crystallized into a definite policy. With the advent of the Erich cabinet to power at the beginning of March, 1920, Finland was free to begin overtures to Russia for real peace.

To Rudolf Holsti, then Finland's foreign minister, belongs the chief credit for the inauguration and the consummation of an irenic policy. Eminently versed in international law, he managed the foreign affairs of the young republic with great adeptness during this critical period of varied negotiations. It was he who handled the conduct of affairs in the Aaland Island question, while he pursued a clear-cut, realistic policy of rapprochement with the other Baltic countries and directed from Helsingfors the peace negotiations with Russia. It may be said to his credit that his sense of the realities of things, his moderation, his willingness to cooperate with the Baltic group toward the reaching of some understanding which should help preserve the *status quo* in the region, all gave evidence of a clearly defined, objective policy entirely in keeping with Finland's interests. Only the intense conservatism of the nation in seeking to avoid unknown adventures into foreign affairs precluded a greater degree of success for his policies. During his term at the Finnish foreign office, Holsti, in consonance with the best trend of the newer diplomacy, laid for the young republic firm foundations for the pursuit of consistent policies looking towards

collaboration with the League of Nations, the periodic holding of conferences of the Baltic states to arrive at mutual understandings, and the gradual extension of Finland's diplomatic contacts with foreign nations.

The outstanding achievement of Holsti's policy was the negotiation of the Treaty of Dorpat of October 14, 1920, whereby Finland made her peace with Russia. By its terms virtually all the vital questions relative to the egress of Finland from the Russian fold were settled, and Finland's major territorial claims, as described above, were satisfied, and her political independence finally acknowledged. Such provisions were in keeping with those of the other peace treaties with the limitrophe states, although in its technical aspects, particularly as regards property, water rights, fishing privileges and shipping clauses, it departs widely from them.³⁴ All in all, the treaty gives evidence of the protracted negotiations which preceded it, and also of the large number of concessions extorted from the soviet government. In this respect Finland, as well as Poland, profited by the experience of Esthonia, Lithuania and Latvia, who had come to terms with Russia on shorter notice and without as profound interests at stake in technical matters. Thus the Peace of Tartu was one of generosity; that of Dorpat, one of haggling and minute stipulation of legal rights.

For Finland the Treaty of Dorpat brought large benefits. It enabled her to reduce military expenditure, regulate her internal life without fear of foreign aggression, and restore economic relations with Russia, who had formerly been her best customer.

In addition, the stipulation insisted upon by the Russian negotiators, that amnesty should be extended all Finnish communist revolutionaries in exile in Russia, helped relax the tension between social classes that had existed since the social revolution. President Stahlberg promptly issued the requisite decree to give the treaty provision legal validity, the fugitives returned, and the nation turned to the process of reducing both its national expenditure and its defence forces to a peace-time basis.

Once her frontiers were delimited, Finland was enabled to

³⁴ For the text of the Treaty of Dorpat, cf. *League of Nations Treaty Series*, Vol. III, pp. 5-80.

enter the League of Nations at the end of 1920 and to form there and elsewhere new international contacts. The basic problems of foreign policy had been solved; there remained the forging of new bonds of commerce and friendship with the nations of the New and Old World, and the following, amid the varying international complications of the European continent, of a path of peace.

CONTEMPORARY FINNISH POLITICS

The post-constitutional history of Finnish politics is one of particular interest. It reveals the tortuous character of the efforts at the re-creation of a national consensus and the psychological difficulties with which a return to normalcy is beset. Even when the artificial restraints incident to revolution and foreign danger were released, the processes of internal adjustment were not easy, and Finland was destined to struggle through a period of protracted party bickerings before a new consensus was reached in matters of domestic politics. The fundamental explanation for this unstable equilibrium in politics is simple: none of the three party blocs, either Right, Center or Left, could command a political majority in the Riksdag. Under such circumstances the alliances made temporarily by the different cabinets hardly proved lasting.

To begin with, the presidential election of 1919 complicated matters. The ministry of Kaarlo Castren had assumed office on the opening of the Diet in April, 1919, on the understanding that it was to pursue a middle-of-the-road policy, turning neither to the Right, towards Mannerheim and a monarchy, nor to the Left, towards sovietism and social revolution. When, however, after the passage of the republican constitution and the presidential election, it turned to the conservative Concentration Party and the Swedish People's Party for support, these groups, whose political manœuverings had been based on the election of Mannerheim to the presidency, refused to cooperate, alleging that the election of Stahlberg had been made possible only by the coalition of the Agrarians, Progressives and Social Democrats. This schism among the bourgeois parties frustrated the

plan of Castren for an all-bourgeois government, and the hope of creating and maintaining a concerted bourgeois front against the socialists passed from the realm of political possibility. For the next five years, and even occasionally thereafter, the bourgeois bloc remained merely a political ideal, without form, substance or tangibility. Meanwhile, the governments were forced to follow a policy of expediency in buying support for various governmental measures.

The failure of Castren to create a bourgeois consensus brought to the fore in the fall of 1919 a Progressive-Agrarian ministry under the leadership of J. H. Vennola, with Holsti at the foreign office. To maintain itself, however, the Vennola ministry depended upon the support of the Social Democrats. In order to win and keep their confidence, the cabinet committed itself to a general amnesty of socialists implicated in the Red revolution. To this the Swedish People's Party and the Concentration Party were bitterly opposed, but Vennola was successful in pushing his project through the Riksdag. By the terms of the amnesty law of December 17, 1919, some forty thousand persons who had participated in the revolution were entirely amnestied and three thousand more who were serving prison sentences were conditionally liberated. The intent of the law was to release the innocent while preventing the liberation of the ring-leaders, such as the Finnish commissaries and the revolutionary office-holders and members of the workers' and soldiers' soviets.

Simultaneously a congress of the Finnish Social Democratic Party revealed a definite tendency on the part of its leaders as well as the general membership to discard violent revolutionary methods, revise the program of the party and purge it of its avowedly communist elements. This definite condemnation of terrorism and repudiation of the Third International and all its works was a sign of restoration of sanity in the counsels of the party. The same forces that were then operating in Germany to bring the Independent Socialists back to parliamentary paths through the expulsion of the communists from their ranks³⁵ can thus be seen to have been at work in Finland. The first fruits of this return of the socialists to political normalcy

³⁵ Cf. *New Governments of Central Europe*, pp. 98, 102.

were seen in the remarkable gains they made in the municipal elections of January, 1920. The nation at large was willing to condone and to receive the repentant back into its fold. On the other hand, the communist element, adopting the name of the "Finnish Socialist Labor Party"—since the term "communist" was legally and politically proscribed—attempted a regular party organization of its own in May, 1920. It encountered the strenuous opposition of the government, which arrested all the members at the party's annual convention and put them in prison. For the moment, at least, the communist menace was ended.

In March, 1920, the Progressive-Agrarian coalition headed by Vennola came to grief, due to internal difficulties between the Agrarians and the other members of the cabinet. Vennola resigned and a new cabinet, turning to the Swedish People's Party on the Right for support, came into power under Professor Rafael Waldemar Erich, himself a prominent Svecoman leader. The new ministry promised a more aggressive and vigorous policy both at home and abroad. "What the situation demands," wrote the conservative *Hufvudstadsbladet*, editorially, "is a complete reform of the government on the basis of a bourgeois coalition around a positive program of national action." This the Erich cabinet, composed largely of experts,³⁶ attempted to provide. During its year in office it endeavored to vindicate Finnish national rights, particularly, as has already been seen, in the diplomatic field. Internally, it disposed in part of the amnesty question through the decrees in fulfillment of the Treaty of Dorpat, although a residual group of persons still remained to be amnestied. To force the final liquidation of the question the socialists in the Riksdag threatened to withhold credits early in 1921; to have granted the demand would have entirely alienated the Swedish People's Party, on which Erich relied for support. In this dilemma, Erich stuck by his party, only to be defeated by the socialists. The first attempt at a fairly broad coalition came to an end, but without breaking the rapprochement of the three bourgeois parties. It was left to Vennola, who forthwith returned to office with Agrarian and

³⁶ For the relation of the Erich ministry to other ministries of experts, cf. *New Governments of Central Europe*, pp. 98, 186, 253, 319, 398-399.

Progressive backing, to weather the party strife that continued until the dissolution of the Riksdag in 1922.

With so uncertain a majority, Vennola and his colleagues were compelled to tread the parliamentary path warily, with a most conciliatory program intended to placate the socialists, whose support was necessary, through the gradual liquidation of the amnesty issue. The outstanding domestic achievement of the second Vennola ministry was the series of financial reforms of the expert financier, M. Ryti, who thereby brought the budget to a stabilized condition and prevented lavish or unwarranted expenditure at a time of imperative national economy. Another important accomplishment of the Vennola ministry was the passage of the basic military service bill providing for a one-year term of service of all Finnish youths. Whatever the attitude of the Finns had been towards compulsory military service under a Czarist régime, there could be no doubt that Finland was resolved, after the experiences of the civil war of 1918, to rely upon a soldiery drawn from every class as the first line of defence for the existing order of society. Her new civilian army, complemented by the civic guards, which form a semi-official reserve, is strongly nationalist and anti-communist, and is likely to prove an effective bulwark against communism, if any attempts are ever made in future to import a revolution from across the Neva.

Outstanding among the events in foreign affairs during the Vennola ministry were the efforts made by Holsti to bring about the necessary rapprochement between Finland and the other Baltic states. Two Baltic conferences, at Helsingfors³⁷ and Warsaw³⁸ respectively, were held to discuss the cooperation of all the Baltic states in economic and commercial matters. The political agreement reached at the latter conference, in keeping with the principles of the covenant of the League of Nations, pledged the mutual assistance of the contracting states³⁹ against

³⁷ August, 1921.

³⁸ March, 1922.

³⁹ Lithuania, it should be noted, did not appear at the Warsaw conference on account of her strained relations with Poland, hence she was not a signatory to the political agreement. The non-inclusive character of the agreement and the fact that it would confirm Poland in her existing terri-

unprovoked aggression. The agreement, however sound in principle, aroused grave apprehensions of the Riksdag, and it refused to consider the project, fearing that it would ally Finland too definitely to Franco-Polish policies in eastern Europe. The political effect of the Riksdag's verdict was fatal to Vennola; it drew down upon Holsti the wrath of a rather provincial and short-sighted press, and, in view of the approaching Riksdag elections, Vennola resigned on May 12, 1922.

In the interim preceding the national elections, a non-political cabinet of administrators, a "ministry of functionaries," was constituted under a forestry expert, Professor Cajander, to "carry on" until the outcome of the first Riksdag elections under the republican constitution should clarify the political situation.

The elections took place on July 1-3, 1922, arousing little interest among the voters, despite the acrimonious press controversies then raging. As was to be anticipated under a scheme of proportional representation, the party changes were not violent, though sufficiently clear to indicate the general trend of public opinion. Of the Left parties, the socialists, at first sight, appeared to have suffered the greatest losses, returning only 53 deputies instead of 80. When, however, the communist contingent of 27 deputies is considered, the aggregate result remains the same. A significant feature of the election was the clear-cut delineation which it produced between socialists and communists. The trend away from communism, already visible in 1919, was noticeably accentuated by the returns of 1922, and showed clearly that two-thirds of the socialist contingent has permanently foresworn allegiance to Moscow. The collapse of war communism in Russia, and the inception of the New Economic Policy under compulsion, were not without their repercussions on Finnish politics.

The trend of the middle parties was no less clear. The Agrarians remained the largest single bourgeois party, but they failed to attain the "absolute bourgeois Finnish majority" for which they had ardently hoped. Their program, as voiced by their

torial possessions were not without influence on the Finnish Riksdag's adverse action. Cf. also Chapter XVIII, *infra*.

principal spokesman, Kyosti Kallio, was that of enacting forthwith a far-reaching scheme of agrarian reform, in harmony with that being undertaken by the other Baltic countries,⁴⁰ though adapted to the peculiar conditions obtaining in Finland. The return of the party with increased numbers was interpreted throughout the country as conferring upon it a mandate to proceed with this much-needed measure.

The Progressive Party suffered most seriously in the elections, losing almost half its representation in the Riksdag, primarily because of its lack of a distinctive program, and partly also because its ardent republicanism, which had achieved marked gains in 1919, was no longer a party monopoly under a republican constitution. The Progressives had had an important rôle to play at a critical moment in the nation's constitutional history, and had played it; henceforth policies not of their own making were to be carried out by the more conservative parties. The comparison between the German Democrats at Weimar, and the Finnish Progressives of 1918-1919 is much in point. Both parties played a vital rôle for their respective countries, holding the nation to moderate republicanism amid the jibes of monarchists and the imprecations of the devotees of social revolution. Both parties have since lost both to the Right and to the Left, as the more conservative parties have dallied less with monarchism and the socialists have resumed a more moderate attitude.⁴¹

Of the parties of the Right, little need be said. A slight gain was registered by the Swedish People's Party, through its insistence on the need of preserving Swedish culture from retrogression. The same issue, from the Finnish standpoint, enabled the conservative Finnish nationalists, now known as the Unionist Party, to increase their representation by 20 per cent., almost exclusively at the expense of the Progressives. The nationalists having abandoned a monarchical program, their principal objective became that of improving the status of the Finnish elements of the nation at the expense of the Swedish. On such

⁴⁰ On the agrarian reform measures in the other Baltic countries cf. pp. 275-278 (Estonia), 334-335 (Latvia), 383-385 (Lithuania), and 456-459, 482, 512-515 (Poland), *infra*.

⁴¹ Cf. *New Governments of Central Europe*, pp. 26, 93, 98.

questions as education, language, and minority rights, the nation at large could hardly be expected to repudiate the policy of cultural self-preservation by which it had withstood before the revolution the ravages of russification. The chief trends disclosed by the elections were two in number: that looking to the increase and protection of private property through the enactment of land reform, and that seeking the preservation of Finnish culture from all assaults.

Apart from the indication of these trends, the most important thing about the elections of 1922 was the marked turnover in personnel which they caused. More than half of the deputies elected from each party were new men in the game, and they brought to the new Riksdag fresh blood and more vigorous political thinking. But new blood did not compensate for experience, tact or stable majorities, and trouble almost immediately followed. The purely Finnish bourgeois parties did not themselves create a majority capable of constituting an all-Finnish, all-bourgeois bloc, but contented themselves with the election of Finnish-speaking officers of the Riksdag, thanks to communist and socialist votes. This action at once raised in an acute form the language question which had been considered settled by a bill passed in 1921. The antagonism created by this action precluded the formation of a bourgeois coalition of Finns and Swedes, and necessitated a return to a coalition of the Center parties, now decidedly under Agrarian leadership, with support from the Left on the more important issues. On this basis a new Agrarian-Progressive cabinet, headed by Kallio, came into office on the meeting of the Riksdag in September, 1922.

The principal task of Kallio was to execute the mandate given to his party and enact agrarian reforms. Within six weeks from his entry into power, the fundamental land reform statute, which has come to be known as the *Lex Kallio*, was enacted, although not without a furious struggle between the party groups in the Riksdag. The purpose of the agrarian legislation was, in the main, the colonization of large landed estates by small proprietors. This of necessity involved the expropriation of the land, a thing which the bourgeois parties adamantly refused to accept. The Unionist Party attacked the law bitterly, claiming

that it deprived the Finnish gentry, "the backbone of the country," of their land, that it would paralyze all agriculture, and that it withdrew legal protection from property altogether. The Swedish People's Party sought tactically to postpone reform and to entangle it with the problem of treatment of minorities. To that end it attempted to force the liquidation of all state and communal lands before expropriation of private estates—a thing which would have involved the homesteading of the Arctic tundra before the choice, large, Swedish-owned estates would have been subject to partition. In any event, compensation should be so fixed that the landlords should suffer no loss; colonization in Swedish-speaking districts should be only for Swedes, and only Finns should be colonized in Finnish-speaking districts. These opposition projects were of no avail, and they were rightly rejected by the government and its socialist allies. In the end, even the communists combined with the socialists, the Agrarians and the diminished Progressive bloc, to take away from the large landed proprietors the estates needed for the colonization of the landless. It is one of the paradoxes of Finnish politics that the agrarian reform, when it finally came, was given its handsome majority by communist votes, whereas the acquisition of land by the propertyless, the widespread distribution of private property in its most treasured form, will tend to postpone probably forever the day of the realization of communist dreams.

By the *Lex Kallio* the acquisition of land by those fitted for agricultural pursuits was opened to all Finnish citizens in possession of their civic rights and seeking land for home-building purposes or for intensive cultivation. The law is unquestionably the most far-reaching and important piece of legislation which Finland has enacted since the establishment of her fundamental laws. Although the effects of the law will not be felt immediately, due to inevitable delays in its application, it should serve, as have similar reforms in the other new states of Europe, to calm public opinion, satisfy the agrarian classes, and build up a prosperous land-owning middle class which will be immune to communism. Moreover, by creating an agrarian democracy in Finland, the *Lex Kallio* will do much to establish on

broad, sound, democratic bases the social stability of the new state.⁴²

Once the basic land law was passed, Kallio continued in office with the casual support of the Social Democrats in the Riksdag. By the middle of 1923, however, it became evident to the government that the so-called Finnish Socialist Labor Party was really communist, the "Labor" designation being utilized to circumvent legal prohibitions against communism, and was engaged in plots against the security of Finland, through connivance with the Russian communists. Under these circumstances, Kallio, in August, 1923, dissolved the Finnish Socialist Labor Party, suppressed its press, closed its headquarters and arrested about one hundred leaders, including its twenty-seven deputies in the Riksdag. This raised a peculiar parliamentary issue, as the Social Democrats took the stand that the imprisonment of the members of the communist group was a violation of their parliamentary immunity and made the Riksdag incompetent to legislate. On its assembling, they demanded amnesty for their friends, but failed to get it even after protracted filibusters. Kallio appears to have wavered for a moment regarding the concession of amnesty, but after the high court at Abo, created for the purpose of trying the communist deputies, had rejected the view that the legislative competence of the Riksdag was impaired by their arrest, and had expressed itself strongly against amnesty, Kallio stood by the decision of the court.

At this point, in January, 1924, President Stahlberg intervened, and advised Kallio that a dissolution of the Riksdag was desirable in order that the entire nation might be constitutionally represented. Kallio demurred, since it was obvious that

⁴² The *Lex Kallio* was passed by a vote of 130 to 63 on October 14, 1922. In the case of citizens desiring to acquire land for the purpose of cultivation, proof of ability at farming must be given as well as of the impossibility of acquiring land in any other way than through the assistance furnished by the communal and governmental authorities. All citizens already possessing land but not having enough on account of having speculated in land are excluded from the operation of the law. If the land in question cannot be acquired from state or communal domains, expropriation will be resorted to. As much as 20 hectares for agricultural purposes may be expropriated, to which as much as 20 hectares of wooded land may be added, in case the present owner of a piece of property is absent

his continuance in office with the support of the conservative parties could be prolonged indefinitely and the socialists would not dare to overthrow his cabinet for fear of coming under the condemnation of a more conservative, if not reactionary, premier. Nevertheless, Stahlberg insisted on a dissolution, and forced the Kallio cabinet to resign. He thereupon again intrusted the affairs of the government to Cajander pending the new Riksdag elections, and the country girded itself once more for an electoral struggle. It was not Stahlberg's view that the competence of the Riksdag was legally impaired, but that it had, by the elimination of one-seventh of its membership, become unrepresentative, and that such a condition should not long be continued. The country acquiesced without demur in such a view.

TABLE TO ILLUSTRATE RESULTS OF RIKSDAG ELECTIONS OF
1919, 1922 AND 1924

PARTY	Votes			Seats		
	1919	1922	1924	'19	'22	'24
Swedish People's Party	116,582	107,405	.....	22	25	23
Finnish Unionist Party	151,018	155,588	.....	28	35	38
Progressive Party	132,525	78,439	.....	26	15	17
Agrarian League	179,882	175,088	.....	42	45	44
Social Democratic Party	365,046	216,861	254,672	80	53	60
Finnish S. D. Labor Party ....	.....	121,181	91,664	..	27	18
Free Lists	1,358	2,676	.....	2	..	..
Void	4,771	3,225	.....		
TOTALS	951,182	870,825	880,666	200	200	200

Figures taken from *Bulletin Periodique de la Presse Scandinave*, No. 131, August 4, 1922, for 1919 and 1922 elections; from *Monthly Bulletin of the Bank of Finland*, April, 1924, p. 33, for 1924 elections.

from the premises and does not cultivate the land rationally. In other cases (or where the land is well cultivated) only domains over 200 hectares may be expropriated. As a concession to large landowners, in the cases of landed estates of over 5,000 hectares not more than half of the land is to be expropriated. Indemnity to be paid is fixed at the average price of the land in question in the particular region, and improvements and movable property are to be paid for. This indemnity the state is to pay in specie up to 5,000 finmarks above which figure the expropriated persons are to receive 7 per cent. bonds. Local colonization commissions are to be formed in each commune to handle local needs. For further details of the laws cf. *Bulletin Periodique de la Presse Scandinave*, No. 135, November 28, 1922.

In the elections of 1924 a further change of party affiliation was shown, and the steady trend towards the Right again evidenced. The Unionist Party gained three additional seats, while the Swedish People's Party lost two, indicating that in this electoral encounter the Finnish nationalist trend had the upper hand. The Progressive Party made a slight recovery, and the Agrarians lost a seat, showing that with the enactment of agrarian reform interest was tending to center around other issues. The Social Democrats increased their contingent to sixty, making a clear gain of seven, while the communists⁴³ lost heavily, returning only eighteen deputies in lieu of its contingent of twenty-seven before the elections. The net changes, computed by division of the Riksdag into Right, Center and Left, gave the Right and Center each a seat at the expense of the Left. But the significance of the elections was not merely in the general trend, as computed by party seats;⁴⁴ its real portent lay in the increase of the Finnish contingents, making possible later on the creation of an all-Finnish bloc in the Diet. For the moment, however, the nation, whether of Swedish or Finnish extraction, stood solidly against subversive movements and definitely rejected the claims of communism. It was apparent that a ministry of sturdy national feeling would be in keeping with the trend of the national mind.

On June 1, 1924, therefore, an all-bourgeois coalition of the Swedish People's Party, the Unionists, the Agrarians and the Progressives was formed under Lauri Ingman, who once more took the helm, as he had done at the end of 1918, with a definite program of cultural and political rapprochement with the countries of Scandinavia and Western Europe. This assumed the form of various conferences with the Scandinavian and Baltic

⁴³ "The communist party," says an official government statement, "took part in the elections under a new name and in a legal form, so that its participation could not be prevented."

⁴⁴ "As it is customary to reckon among the parties of the Right the Unionists and the Swedish People's Party (although the latter includes several members who should be assigned to the Center in social questions), to the Center the Progressives and Agrarians, and to the Left the Social Democrats and the Communists, the distribution of seats goes to show that the Right and Center have each gained one seat while the Left has lost

countries respectively, with a view to organizing definite arbitral procedure for all possible disputes between them, and bringing about a general increase in friendliness towards the Scandinavian countries. After the policy of a Baltic entente had been rejected in 1922, the trend of Finnish policy had veered toward the conclusion of friendly understandings with Sweden and Norway and Denmark, as well as towards the negotiating of numerous commercial treaties with the countries of both the New and the Old World. During 1924, the funding of Finland's debts to the allied countries proceeded rapidly, and postal, navigation and other treaties quickly accumulated. It was not without significance that the foreign affairs of Finland were intrusted, under the Ingman régime, to Procope, who had previously been minister of trade and industry. The stabilization of finances, of commercial relations with foreign countries and of the political relations with her western neighbors therefore were the keynotes of Ingman's policy.

The Ingman cabinet was weakened towards the fall of 1924 by dissensions between the Swedish and Agrarian elements, with the result that the latter ministers resigned in November and forced a reconstruction of the cabinet. It held on, however, until after the presidential elections in 1925. But no coalition of such diverse elements could long hope to remain politically satisfied, and the elimination of the Agrarian group presaged an inevitable reconstruction, as soon as the presidential election should have been disposed of.

Finland's first presidential election under the electoral college system was of unusual interest because of the difficulty of forecasting the actual workings of such an electoral apparatus. Had Stahlberg desired reelection, it would have been assured beforehand, on account of general satisfaction with his exem-

two seats. The move to the Right which has occurred is still clearer if the composition of the Left is considered: the number of more moderate, Social Democratic members of the Riksdag has been increased by seven whereas the revolutionary communist party has lost a third of the seats it held . . . and only succeeded in occupying 9 per cent. of all the seats in the Riksdag. This would seem to indicate that the teachings of Bolshevism are losing more and more disciples in Finland." Cf. *Monthly Bulletin of the Bank of Finland*, April, 1924, p. 33.

plary conduct in office. But the president refused to be a candidate for a second term, and the electoral field was left wide open. The Finnish Unionists nominated Judge Svinhufvud, whom they sought to rehabilitate politically after the monarchist debacle of 1918. The Swedish People's Party, after flirting with the candidacy of Erich, turned finally to Lauri Kristian Relander, governor of the province of Viborg, and an Agrarian. Of the Center parties, the Agrarians were at first loath to put up a candidate, as Kallio, their principal spokesman, was disqualified from office, from a practical standpoint, by his inability to speak Swedish. Subsequently they supported Relander. The Progressives nominated Dr. Risto Ryti, under whose leadership Finland's currency had been stabilized and the budget balanced. Lastly, the Social Democrats nominated Vaino Tanner, a prominent attorney and a leader in the co-operative movement. The communists also nominated a candidate.

TABLE TO ILLUSTRATE PARTY COMPOSITION OF RIKSDAG AND ELECTORAL COLLEGES

PARTY	<i>Electors Per cent.</i>		<i>Deputies Per cent.</i>		<i>Differences</i>
Swedish People's Party ..	36	12.0	23	11.5	.5%
Finnish Unionist Party ..	67	22.3	38	19.0	3.3%
Agrarian League	69	23.0	44	22.0	1.0%
Progressive Party	33	11.0	17	8.5	2.5%
Social Democratic Party .	79	26.4	60	30.0	-3.6%
S. D. Labor Party	16	5.3	18	9.0	-3.7%

The electoral colleges were elected in January, 1925, and revealed a further trend towards the Right and Center parties, and away from the Left. It will be noted from the accompanying table that the chief gainers by the shift in public opinion were the Finnish Unionists and the Progressives, whereas the loss was almost evenly divided between the communist and socialist groups. Thus the trend of opinion pre-determined that a bourgeois candidate would be elected, though from whose ranks remained a question. When the electors finally met on February 16, 1925, four candidates were still in the running,

and three ballots were taken before the election of Relander.⁴⁵ His election was the result of a carefully planned and Swedish-led bloc made up of the Swedish People's Party, the Finnish Unionists and the Agrarians. Ryti was supported till the last by the Social Democrats and the Progressives.

The election was a surprise to the public at large, as Relander was in no wise as important a national figure as either Ryti or Tanner. It served, however, to point out that by the system of indirect election either a compromise or "bloc" candidate would generally, if not invariably, be chosen. Certainly, under its present operation in Finland, the electoral college system has not elicited great candidates for the presidential office, nor has it permitted the selection of extremists of either a monarchial or socialist hue. It seems likely to be retained as a permanent feature in Finland so long as there is a multiplicity of parties and so long as the tendencies towards reaction or social revolution are exemplified by any important political groups. While it will doubtless produce no great men, it will operate to give Finland a measure of stability not paralleled in other parts of Europe.

Immediately after the presidential election, the Riksdag began the consideration of an electoral reform bill which would modify the system of proportional representation in force since 1906, to permit a representation of political parties more conformably to their total national vote. The changes proposed by Ingman would have favored particularly the smaller parties which under the existing system lost the effect of numerous votes. While this would doubtless work to the special advantage of the communists, it would also benefit the Swedish elements. On a test vote in the Riksdag, Ingman was defeated, and the essential points of the bill were rejected. This forced its abandonment

⁴⁵ Lauri Kristian Relander was born in 1883 and was trained in German and Scandinavian universities in agronomy. Returning after his education to Finland he enlisted his services in the agrarian movement. In 1910 he was elected to the Finnish Diet, as also in 1919, at which time he was made speaker. In 1920 he retired from active politics to become governor of the province of Viipuri (Viborg), which position he held till his election to the presidency of the republic.

and the collapse of the quadruple coalition with which the premier had managed to stay in office for over a year. Ingman resigned and a new cabinet under Aänti Tulenheimo took office with the support of the Agrarians and the Finnish Unionists. The Progressives having proved for both Vennola and Kallio too slender a reed for effective political support, the new combination, which has since been continuously in force in Finnish politics, formed a thoroughly Finnish core, and could expect, by awarding certain portfolios to non-partizans, to buy support for its measures in the Riksdag as occasion might warrant. In any event, this combination represented strong national tendencies and might be expected to pursue a strong and vigorously nationalist policy.

Tulenheimo's ministry weathered the remainder of 1925 and considered various projects of an economic character. The rebuilding of certain state railroads, the reorganizing of the Bank of Finland and the restoration of the nation's finances to the gold standard were its principal occupations. It also put forward an ambitious naval building program while continuing its negotiation of arbitration conventions with Finland's Baltic and Scandinavian neighbors. In the end, the contradiction between a policy of arbitration, disarmament and political security on the one hand, and a policy of increased naval armament on the other, brought upon the cabinet the disfavor of the Riksdag, and, when the latter refused the necessary naval credits, the cabinet gave way in December, 1925. An apparently interminable crisis followed, in which the Social Democrats were unwilling to assume power and the bourgeois groups were unable to concentrate on a common program. Finally, Kallio formed a cabinet confessedly commanding only minority support in the Riksdag, but based, as its predecessor, on Agrarian-Unionist collaboration. Kallio inclined towards a more pacific view of Finland's place in the Baltic and Scandinavian world. He looked to the perfecting of the country's diplomatic arrangements, in harmony with the Locarno spirit, and to completing Finland's defences rather than to a scheme of naval competition which would obviously have courted ill-feeling from Russia. Within a month of its entry into office, the second Kallio cabinet

brought into being a series of all-inclusive arbitration agreements between Finland and the three Scandinavian countries, under which she no longer had anything to fear from them in the conduct of foreign policy. With her Scandinavian neighbors she had come to the best possible terms. At the same time she had gained the respect of the Baltic countries, being willing to go to extreme lengths in economic and cultural cooperation, without involving herself in military combinations or alliances.

With but meagre support from the Diet, Kallio's second cabinet weathered a year of office marked by a growing cordiality of relations with both Scandinavia and the Baltic states. To further cement good feeling on both sides, President Relander undertook visits to Norway, Denmark and Latvia, supplementing those made a year earlier to Sweden and Esthonia. Under the impulses of a pacific policy, Finland had come to see that her rôle in the life of the Baltic did not predestine her to be allied with one group of states against another, but rather to share in the cooperative and friendly enterprises of both. Simultaneously, Finland began a serious effort to come to an understanding with the U.S.S.R. and to negotiate a security pact compatible with her obligations under the Covenant of the League of Nations.⁴⁶

As the end of the year drew near and the tactical skirmishes in preparation for the 1927 elections to the Diet were fought out by the parties, Kallio's coalition weakened, due to a revolt of the Agrarians against a policy they believed more Unionist than Agrarian. On the other hand, the Social Democratic Party, after eight years of penitence for participation in the Red revolution, sought an opportunity to vindicate its sober and moderate program by assuming the responsibilities of power. This came with the overthrow of the Kallio cabinet on November 24, 1926, and on December 13 President Relander intrusted the Social Democrats, under the premiership of Vaino Tanner, a leader of the cooperative movement, with power. The ministers surrounding Tanner were all men of known trustworthiness and moderation. Though not commanding a parliamentary major-

⁴⁶ On the problem of Finland's relations to the Balticum and to the general problem of security, cf. Chapter XVIII, *infra*.

ity, Tanner and his colleagues have found their program of progressive social legislation, tax reform and a comprehensive scheme of social insurance in harmony with the wishes of the Riksdag.

SALIENT TRAITS IN FINNISH DEVELOPMENT

Viewed in the ensemble, the post-war history of Finland is illuminating because it illustrates the high degree of political capacity of the Finnish people and demonstrates the extent of national reconstruction along democratic lines that can take place following a violent social and political upheaval. Examined in detail, the political achievements of Finland in the last eight years are remarkable because of their orderliness and rational character. Beginning that period with a most inauspicious outlook, Finland has managed to accomplish very creditable results in consolidating the constitutional structure which had been torn by the rack of both political and social revolution and reaction and in the normal development of the democratic institutions with which her fundamental law has endowed her. In addition, the wide breach between classes which the social revolution left has almost entirely healed. This is manifested by the distinct abandonment of communism, and the regenerating influence of new understandings between social classes in political and economic life makes itself increasingly felt.

The different political groups in Finland have now found, in the main, a permanent orientation. The Unionists have abandoned dreams of monarchy and have turned to enhancing the glories of a stable democratic republic. The Swedish People's Party, likewise freed from monarchial illusions, acts as a conservative force and gives balance to the nation's life, although it is destined, by the very growth of the Finnish parties, gradually to wane in its influence. The Agrarians, having enacted their fundamental program, must spend the next two generations in ceaseless vigilance, to see it realized in practice. The Progressives, having contributed their ideas of constitutional government, remain a small but important force, contributing

by their intelligent liberalism to the consolidation of democratic government. Lastly, the Social Democrats, having abandoned the ways of revolution, may be counted upon to contribute in coming decades to the upbuilding, on a solid economic basis, of the fortunes of the working classes. Communism, it may safely be concluded, will always be alien to the Finnish people, and understood as a foreign doctrine, stealthily or openly imported.

As matters stand, it seems unlikely that the Agrarians will grow much beyond their present strength, or that the Swedish People's Party will increase in importance. Each represents a class relatively fixed in numbers. Only as the nationalist or socialist groups increase or decline will any marked modifications of existing party strength take place. It would appear, however, that the Finnish Progressive Party, having contributed its vital principles to the constitution and exhausted the major part of its program, cannot hope for a great lease of power in the future. All in all, Finland is on the road to a progressive future in which a multitude of small landowners, enjoying the benefits of the *Lex Kallio*, will form the bulwark of her constitutional liberties.

CHAPTER VIII

ESTHONIA: NATIONAL RESURGENCE

HISTORIC ORIGINS OF THE ESTHONIAN NATION: *Early Periods of Esthonian History—The Régime of the Baltic Barons—The Esthonian Renaissance—Resistance to Russification—Esthonia and the Revolution of 1905—Rôle of Esthonians in the Duma—Effects of the World War on Esthonia.* ESTHONIA AND THE RUSSIAN REVOLUTION: *The Law on Esthonian Autonomy—The National Council—The Problem of Relations with Russia—Proclamation of Independence—Dispersal of the Provisional Government—The Red Revolution in Esthonia—Initial Moves for Recognition.* THE GERMAN RÉGIME IN ESTHONIA: *The German Intervention—German Plans for a Teutonic Balticum—De facto Recognition—End of the German Occupation—The Second Red Terror.* PROBLEMS OF DOMESTIC RECONSTRUCTION: *Plight of the Provisional Government—Bases of Its Authority—Administrative Reconstruction—Creation of a New Judiciary—The Problem of Agrarian Reform—Party Realignment—The Constituent Elections—The Strandman Coalition.* THE PROVISIONAL CONSTITUTION: *Minority Guarantees—Bill of Rights—Relations of the Public Powers—Rôle of the Constituent Assembly—The Government of the Republic—Parliamentary Safeguards.* ESTHONIA'S AGRARIAN REFORM: *Key Principles—The Strandman Law—Its Significance.*

HISTORIC ORIGINS OF THE ESTHONIAN NATION

OF the remaining limitrophe states formed from parts of the former Russian Empire, Esthonia was the first to achieve full-fledged independence from the soviet government of Russia. The successful application of the dynamic principle of self-determination to the Esthonian people marked, in a very real sense, a turning point alike in the policies of the allied Powers and in that of the Russian Socialist Federal Soviet Republic. But separation, as recorded in the now signal Peace of Tartu, was not brought about without hardship, and the course which the Esthonian nation was compelled to follow in achieving it led a gallant people almost to martyrdom.

It is not our purpose here to relate the historic origins of the Esthonian people, nor to detail their centuries of oppression and suffering at the hands of the Knights of the Sword,

the Teutonic Order, the German Baltic barons or the Jagellonian kings of Poland. It is enough to say that from the time when the Esthonians succumbed, in the middle of the thirteenth century, to the raids of an Order at once representing the Church militant and feudalism triumphant, to the day when the Russian provisional government conceded them autonomy, their history was a tragic and somber one, lightened only by the memory of the "good times" which Esthonia enjoyed for almost a century under the tolerant and beneficent rule of the Vasa kings of Sweden. After the Peace of Nystadt, under the rule of the Romanovs in strict law, under the domination of the Baltic barons in bald fact, the story of the Esthonian people becomes bitter once more and the rôle played therein by the great Baltic landlords doubly sinister. In the history of Central Europe and of the Balkan peninsula, the scars left on oppressed nationalities by centuries of conflict, have been the marks of struggle between Moslem and Christian, and have frequently been condoned as inseparable from the religious animosity and implacable hatred which seemed destined to prevail between them. In the northern and eastern regions, the bloody and merciless oppressor has been historically the Christian of the militant Orders which "began as a charitable society, developed into a military club, and ended as a sort of chartered company exercising rights of sovereignty on the troubled confines of Christianity." The Teutonic Knights are long since gone, but the legacy of power which they bequeathed their successors, the Baltic barons, was handed down undiminished to the close of the World War.

Political authority, then, through the course of seven centuries, was exercised in turn by Danes, Germans, Swedes, Poles and Russians over the Esthonian people, who were allowed absolutely no voice in their own affairs. Feudal nobility and serfdom, absolute political power of the barons based upon the tenure of land and the physical possession of its inhabitants, continued utterly unimpaired down into the nineteenth century. Even the abolition of serfdom in 1819 availed little, for it was coupled with the declaration that both the movable and immovable property of the serfs was annexed by the barons, on whose manorial estates the bulk of the Esthonian population

was compelled to live. Nevertheless, the opportunity was here opened for the migration of serfs to the towns, there to begin the building up of the nucleus of a middle class and an educated intelligentsia.

Not until Alexander II was on the eve of freeing the serfs in the remainder of Russia did it become possible for the Esthonian peasantry to acquire land in their own right and realize what had been promised them by their liberator, Alexander I, two score years before. Even this concession was small, as land was to be had only from the German-Balt masters, who charged the peasantry extortionately for it. When, after 1866, the rights of the Baltic barons to exclusive ownership of land in Livonia and Courland were abolished, it became practically possible for both Letts and Esthonians to acquire their own estates. Down to the close of the World War, however, the German-Balt landlords, comprising less than one-fourth of one per cent. of the total population, possessed almost two-thirds of the land in the country.

Such was the caste-domination of the life of the Esthonian people by a haughty nobility of a different race and stock. The domination was not purely economic; it was moral and spiritual as well. Following the example of the North German princes at the time of the Reformation, the Baltic barons introduced the Lutheran religion into their domains and dictated the faith of their subjects as well as their economic fortunes. Likewise the educational system, culminating in the University of Tartu, was completely under German-Balt control, and higher education was closed to all but the sons or the protégés of the Germanic population, who ran these institutions in their own interest, and ridiculed the attempts of the younger Esthonians to assert their national culture in the face of Germanic civilization.

It was not strange, therefore, that the development of Esthonian national consciousness should be associated with revolt against the tyranny of the Baltic landlords. With the growth of a small but far-sighted intelligentsia, and the gradual economic liberation of at least a part of the peasantry, Esthonian national feeling asserted itself in the form of a determined effort to assail, and, if possible, overthrow, the privileged posi-

tion of the German-Baltic nobility, who, being politically powerful and favorably entrenched at the Russian court, managed to retain by influence many of the rights and prerogatives which they had lost by law. With the accession of Alexander III, the prestige and power of the barons began to wane, as the Czar's measures of russification struck at the domination of Russia's national life by non-Slav elements. Insofar as such measures as the replacing of the Balts by Russian bureaucrats discomfited the barons, the Esthonian population rejoiced, but the barons bided their time, knowing that the measures of russification would soon fall upon the populace as well. Such presently became the case and from that time on the Esthonian nation found itself face to face with two sets of enemies, both bent upon destroying Esthonian national feeling, the Balts on the one hand, who sought to retain their economic supremacy, and the Russians on the other, who determined to enforce the rigid uniformity of Russian official culture upon an unwilling populace.

This policy of the Russian government was bound to call forth stout resistance from the Esthonian people. It struck at the use of the Esthonian language just as a national literature was beginning to flourish, and, instead of successfully suppressing it, it merely gave impetus to the national movement. In addition, the flooding of the governmental offices in Esthonia with Russian bureaucrats, the banning of the use of Esthonian even in the courts, the denial of entry into the imperial navy to the naturally sea-faring Esthonians, and the conscription of Esthonian youths to serve in the imperial army in far-distant portions of the empire, all added to the feeling of resentment and paved the way for the reassertion of Esthonian nationality on an opportune occasion.

In combatting the measures of russification, leadership fell to the Esthonian intelligentsia. Within the limited field of non-political activity various cultural agencies and societies for agricultural and economic cooperation worked hand in hand to build up a national consensus of opinion and a moral solidarity of the people in the silent hope that times would change. By these efforts the cultural level of the Esthonian nation was steadily

raised, and every effort was put forth to maintain and intensify national individuality by civilized methods and not by force. The quiet, unobtrusive work of improving the condition of the peasantry in an almost non-industrialized country which contained no appreciable proletariat became the principal objective of the nationalist leaders among the intelligentsia, and the sole means of creating a compact, solid body of national opinion ready to back any movement for national autonomy or eventual independence. This social solidarity of the nation as the aim of its constructive efforts at self-betterment was one of the best evidences of its political maturity and, in the opinion of an Esthonian critic, "reflects the moral toughness and the unquenchable striving towards social betterment which . . . endowed our nation with the force requisite to attain its independence."

Political life, in its organized form, crystallized into parties almost simultaneously with the organization of party groups in Russia proper. The revolution of 1905 gave birth to a labor movement in Esthonia, and the Esthonian intelligentsia, despairing of ever obtaining the concession of autonomy from the Czarist régime, actively allied themselves with the Russian revolutionaries, thinking that in the success of such a movement in the empire would lie the best guarantee of peaceful autonomous development for Esthonia itself. The attitude of all Esthonian movements was more or less tinged with revolution, as in fact was that of all party groups in Russia except the reactionaries.

With the issuance of the October Manifesto, the political currents in Esthonia crystallized and took form in three main political parties, all of moderate hue: the Democratic Party under the leadership of Jaan Tõnisson, the Radical Party under Konstantin Paets, and the Social Democratic Party under Peter Speek, who later emigrated to America. The real tendencies of the nation at large were evidenced politically in the election of purely bourgeois deputies (among them Tõnisson) to the first Duma. A nation that had built up its morale sanely and constructively would be the last to capitulate to the doctrines of social revolution.

Whatever hopes the Esthonian nation had of procuring concessions from the Duma were destined to bitter disappointment. In vain did Tönnisson endeavor to impress upon the first Duma Esthonia's need of internal autonomy. In an assembly the great majority of whose members represented the ideal of "Russia, one and indivisible," the mere mention of autonomy for one of many races was frowned upon. The Esthonian leaders came to realize that there was no immediate hope of securing recognition of their national movement from the legislative institutions set up under the October Manifesto. This one slight gain, however, accrued to the new arrangement: the Esthonian people now possessed the right to make their voice heard through their representatives in a common meeting place of all the Russias, and, in addition, they were empowered to make a choice of representatives through the electoral colleges that chose the Duma. Even here their rights were seriously circumscribed, as the electoral scheme, in order to favor the landed gentry in Russia proper, must needs vest the predominant authority in the selection of Esthonia's national representatives in the Baltic barons. Some of the representatives chosen were Balts, and after the recasting of the electoral law in 1907 to procure a more subservient Duma, the Esthonians saw still less hope of securing adequate representation through any institutions of the Czar's fashioning. What self-government the Baltic provinces enjoyed was vested in the Landtags of the nobility, or the closed corporation councils of the Germanized municipalities. Even in the process of russification no zemstva were organized in Esthonia, and for an obvious reason—because they would have revealed the high degree of homogeneity of the Esthonian nation and it would have been impossible on any ordinary basis of selection to give either the Russians or the Balts control over any local governmental institutions. Down to the last days of the old régime in Russia, therefore, the Balts kept their privileged position in the local governmental assemblies. Not until 1912, almost on the eve of the World War, was an Esthonian leader, Jaan Poska, chosen as mayor of Tallinn (Reval).

To the Esthonians, the outbreak of the World War promised little but suffering. They quickly realized that the triumph of

Germanic arms would only reinforce the Baltic barons in their privileged status. And despite the necessity of serving under Russian leaders and without any recognition of their nationality, Esthonia gave, and sacrificed, one-tenth of her population in the war. But the influence of the Baltic barons was not undermined as long as the old régime lasted, and the professions which they made of absolute loyalty to the Russian crown served only as cloaks for intrigue at Petrograd and for surreptitious trafficking with the enemy. With the partial conquest of the Baltic provinces by Germany in 1915, the Baltic barons could scarcely conceal their approbation. It was clear to the nationalist leaders that the conquest of the whole Balticum by Germany would only fulfil the Balts' most cherished design. The Esthonians, in 1906, had already experienced the meaning of such unqualified ascendancy. At that time the barons had been charged by the Czar to suppress the revolutionary movements among all classes, particularly the peasantry, and the country had been kept in a state of "reinforced protection."¹

It can thus be seen that on the eve of the Russian revolution the amount of political liberty which the Esthonian nation had been able to acquire was comparatively insignificant; the concessions of the old régime, through the October Manifesto and the Duma, had failed to bring liberation. Moreover, in the treasonable actions of the Baltic barons lay a new and infinitely greater danger for the Esthonian population. It would appear, therefore, that for Esthonia the only hope of political emancipation from both the bureaucracy of the Czar and the tutelage of the German Balts lay in far-reaching political revolution.²

¹ This term was applied, under a law of 1882, to the extraordinary powers granted to the government for the maintenance of order.

² On the earlier history of Esthonia and the events leading up to the Russian revolution there are few sources of unbiased information. Material from German sources is tendentious; that from Russian sources is usually a vindication of the old régime. A clear-cut statement of the case of the Esthonian nation is given in Martna, Mihkel, *L'Esthonie, les Esthoniens et la Question Esthonienne* (Paris, 1920), pp. 1-67, 76-125, 172-185 and 191-195. A succinct presentation of the course of Esthonian political development is given in "The Origin and Development of Political Life in Esthonia," in Nos. 16 and 17 of the *Estonian Review* (Reval), November 19, 26, 1919, published by the Esthonian Foreign Office, and reprinted in

ESTHONIA AND THE RUSSIAN REVOLUTION

The dramatic advent of the Russian revolution filled all Esthonians with anticipation, which grew as they saw the provisional government stretch out its hand in friendship to Finland and Poland. While the suddenness of the collapse of the imperial régime had not prepared the Esthonians for anything more detailed than the fullest assertion of their traditional claims of autonomy (which every political party had inscribed in its program), the provisional government, after having first satisfied the claims of both Finland and Poland, turned, on the insistence of her leaders, to Esthonia and issued, according to their draft, the now famous decree or special law on Esthonian autonomy of March 30/April 12, 1917. The effect of this decree was to unite under a single administration all parts of the Baltic provinces inhabited by Esthonians. In practice this divided the Russian province of Livonia into two almost equal parts, the northern being added to Esthonia, the southern being left to be grouped with the other lands inhabited by Lettish population. In addition, the decree abolished all the Landtags of the nobility and all other local government bodies (including the courts) in Esthonia, Livonia and Oesel, and replaced them by a high commissioner for Esthonia, to be appointed by the provisional government, and an Esthonian National Council (sometimes spoken of as the Esthonian Diet) and minor local governmental bodies elected by universal, direct, equal and secret suffrage on the basis of proportional representation.

The "Commissioner of the Russian Government in Esthonia," the new executive officer, was given merely a titular position, with supervisory power over the acts of the National Council. The National Council, when elected, was to be the supreme legislative authority of the country and was to prepare a bill or

the London *Esthonian Review*, No. 7, January 25, 1920, pp. 240-243. A statement of economic and cultural development of the Esthonian people is given in pp. 1-24 of the *Mémoire sur l'Indépendance de l'Esthonie*, presented to the Paris Peace Conference by the Esthonian delegation in April, 1919. Briefer presentations of the subject are found in Gaillard, Gaston, *L'Allemagne et le Baltikum*, pp. 23-25 and in Loudon, E. H. C., "The Rise of the Baltic States," in *The Baltic Review*, Vol. I, No. 2, pp. 49-52.

constitution for Esthonia, to provide for "self-government on the basis of universal, equal, direct, secret and proportional suffrage without distinction of sex." A decree bringing the law into effect and providing for the election of the National Council was issued on July 5, 1917, the elections were held July 7-8 of the same year and the council held its first meeting on July 14, 1917. As commissioner the provisional government of Russia nominated Jaan Poska, mayor of Tallinn, because of the high respect and confidence he commanded in Russian circles, and because of his unimpeachable integrity.

In the Esthonian National Council, as finally elected, sat most of the leaders of the nation, representing (1) the so-called "Esthonian Peasants' League"—the forerunner of the Agrarian Union of today—whose leaders were Konstantin Paets, I. Raamot and J. Teemant; (2) the Esthonian Democratic Party, under the leadership of Poska, Jaan Tõnisson and others of the intelligentsia who made up its rank and file; (3) the Radical Democrats, under the leadership of Aadu Birk, round whom were gathered the north Esthonian landowners and other persons of democratic inclinations. Such were the genuinely "bourgeois" groups in this first Esthonian legislative gathering. Among the moderately radical groups represented were the Radical-Socialists, founded by Jüri Wilms and Otto Strandman, and the Social Travailleurs Party, headed by Antonius Piip and J. Seljamaa. These presently fused into one Labor Party, which represented, and had the support of, the artisan class, commercial and government employees, as well as a section of the country intelligentsia and a certain proportion of the working classes. This party, then and since, has served as an excellent mediatory group, seeking to bridge the differences between the purely bourgeois groups and the more radical representatives of the working classes. The Left groups comprised the Social Democrats, under the leadership of Mihkel Martna, and the Social Revolutionaries, largely an Esthonian reduplication of the larger Russian party.

Such was the first Esthonian legislature: in its ranks no religious lines were drawn, and the national minorities were hardly included. The bourgeois groups contained, with the labor

group, 60 per cent. of the total, and the proportion of votes cast for candidates with a Bolshevik inclination was only 8 per cent. of the total. Thus far, at least, Esthonia need have no fears of being plunged into social revolution by the peoples in her own midst, and this despite the fact that her peasantry were both landless and hungry.

In approaching its task of providing a fundamental law for Esthonia, delimiting its competence and defining its own relations to the Russian provisional government, there is no evidence that the Esthonian National Council at first thought of independence. Uninfluenced by the agitation then going on in Poland, Finland and the Ukraine, it would appear that Esthonia thought only of staying within the confines of a Russian federation, wherein she saw the possibility of attaining full national development and legislative and administrative autonomy. In the words of an Esthonian critic, "The watchword of all political parties from now on was an Esthonian federate state in union with a democratic Russia, possessing complete interior autonomy in all domestic affairs and especially in regard to the land reform."

It was in the face of the growing disintegration of Russia and of the powerlessness of the Russian provisional government, that the Esthonian National Council endeavored to perfect the organization of local government and administration of the country under the terms of the law of April 12. It devolved on the National Council, furthermore, to organize the judiciary within the confines of Esthonia. This became increasingly difficult, due to the general exodus of Russian officials of the old régime and the lack of Esthonians capable of meeting the situation. The military situation, too, was a difficult one. The youth of the country was under arms and serving in remote parts of the former empire. It was with a view to strengthening the regional defence of the Baltic provinces that Poska and others besought the provisional government of Russia to permit the creation of separate Esthonian contingents. The technical difficulties in the way of this action were almost insurmountable. However, through the efforts of Kornilov, in the last days of the provisional government, permission was secured from Petrograd

to organize Esthonian contingents and place them under Esthonian officers. It was this act, belated though it was by reason of the old all-Russian idea still dominant at Petrograd, that finally permitted the defence of Esthonia against the first Bolshevik flood.

The Bolshevik *coup d'état* and the proclamation by Trotsky of the right of self-determination for dissident nationalities, up to independence, was taken as offering a satisfactory pretext for action and for protection against the Tallinn soviet and was therefore accepted at face value by the Esthonian National Council. The law of April 12, 1917, had demanded of the Esthonian National Council that it draw up a constitution and submit it to the Russian provisional government for final ratification. With the disappearance of the provisional government, the Esthonian National Council regarded itself as not obliged to submit its draft project nor its plans for the convocation of an Esthonian constituent assembly to the new government in Petrograd, and assumed in fact the authority with which it had been endowed by law, namely, constituent power. In view, therefore, of the Bolshevik self-determination decree and of the general tenor of the earlier act of the provisional government of Russia, the National Council proclaimed the political independence of Esthonia on November 28, 1917, and declared itself the sole depository of supreme power in Esthonia. It further resolved to summon an Esthonian constituent assembly to handle all further questions, and charged an indeterminate body of members of the administration and a Committee of Elders of the National Council with the power of making and publishing decisions and issuing extraordinary ordinances for the regulation of the public life of the country in the interval between sessions of the National Council, such acts being provisional until ratified by the larger body. With little time for decision, but without vacillation, the Esthonian people thus severed the tie which had united them for almost two hundred years to the Russian Empire, and embarked on a separate career as an independent state.

This bona fide acceptance, and perhaps extension, of the Bolshevik decree of self-determination was not destined to pass

unchallenged by the soviet government. The National Council and administration were dispersed by soviet bayonets and Red Guards were cantoned throughout Esthonia. Paradoxically enough, however, the Bolsheviks entered their candidates for the Esthonian constituent elections, which were held during January and February, 1918, hoping to poll a complete majority. In this expectation they were signally disappointed, as they received less than 35 per cent. of the votes, and this despite the fact that the German population had boycotted the elections, staking their hopes on German intervention, and not on peaceful balloting. In these elections, held amid the extremist propaganda put forth from Moscow, the populace found no place for the relatively colorless programs of the Social Revolutionaries and the Social Democrats and voted either for the extreme Left supporters of the soviets or for the Labor Party or the Democratic-Agrarian coalition, these bourgeois parties garnering over 60 per cent. of the votes.

In disgust at their failure, the Bolshevik elements, as soon as the results of the elections began to be known, declared a state of siege and took up arms, thus precipitating in Esthonia, as was simultaneously the case in Finland, the bitterest kind of civil war, in which the Esthonian contingents endeavored to clear the country of the Red Guards. The difference between the situation in Finland and Esthonia was that to the former, the Germans appeared in the rôle of liberators, while to the latter, it was obvious that their advent would mean the death-knell of such liberty as had been enjoyed since the March revolution. But the German military authorities were unable to differentiate between a country without Baltic barons, such as Finland, and Esthonia, to whom the barons were the ever-present embodiment of tyranny. Therefore, the German military authorities proposed to the Esthonian Committee of Elders that Esthonia follow in Finland's wake and proclaim herself, not merely separate from Russia, but an independent state *under German protection*. The Committee of Elders indignantly and flatly rejected the proposal, knowing that any such course would be suicidal, as it would frustrate every hope of foreign recognition.

What the Esthonian Committee of Elders did was to clarify Esthonia's international position by issuing a declaration in conjunction with the representatives of the Esthonian army and all the political parties stating that "Esthonia, within her natural limits, determined if need be by a referendum, must immediately be proclaimed an independent democratic republic. The Esthonian republic must immediately be declared a neutral country, and to this end international guarantees must be sought from foreign powers." This declaration, along with others passed on January 10/24, 1918, sought to specify certain important points in the nation's future constitutional program such as eventual neutralization, the granting of rights to alien minorities, the settlement of boundaries by plebiscite under the control of a neutral Power, etc., concluding with the statement that Esthonia's independent status need not bar Russia from world markets, as it would be possible to enter into the freest possible commercial relations with her and give her ample transit facilities. Such was the appeal destined to forestall German intervention and to give to Esthonia an opportunity to send missions abroad.

No sooner had this action been taken by the Committee of Elders than the Baltic barons began an independent move to persuade both Soviet Russia and Germany to acknowledge Esthonian independence. Were the former to make such an avowal to the barons, it would be clear proof that they, and not the Esthonian National Council or its Committee of Elders, were entitled to speak for the country; were Germany to accede to the barons' plea, the longed-for annexation to Germany would be in the immediate offing. Such was the manœuvering of the landlords, in an endeavor to prevent the missions sent abroad to the allied countries from obtaining a hearing. It marked, however, only the beginning of endless intrigues of the Balts to accomplish their avowed purpose of procuring annexation to the German Reich.

THE GERMAN RÉGIME IN ESTHONIA

The manifesto of January 24, 1918, in which the resolutions of January 10 were embodied, denoted the weakness of the Esthonian administration in its difficult position between the Red Guards and the German armies. For a month after the issuance of the manifesto the Esthonian troops kept up a bitter warfare against the Bolsheviks and were moderately successful in their conquests, but when the German armies started marching on Tallinn on February 24, the Bolsheviks fled in panic. Thereupon the Esthonian leaders, seizing the precious moments between one occupation and another in which to re-proclaim their desire for independence, issued anew a formal declaration of independence under a democratic form of government. This went much further than the previous declarations and defined the borders of the country, established a governmental program as the skeletal structure of a future constitution, and finally selected a provisional government to act both at home and abroad. The declaration was daring, as it was hurled in the teeth of the advancing Germans. Twenty-four hours later, the Germans were in full possession of Esthonia and the Esthonian provisional government was *hors de combat*, with its principal members either imprisoned or in flight. The hour for the proclamation of independence was over; the period of German occupation had begun.³

The period of German occupation of Esthonia lasted till the armistice whereby republican Germany laid down her arms on all fronts. From February until November, 1918, Esthonia was dragooned by the German armies, as were Finland and the

³ The authorities and source materials covering the period from the beginning of the Russian revolution to the German occupation are much more numerous and satisfactory than those covering the earlier period, particularly that between 1905 and 1917. The official account of these happenings is given in the *Memoire sur l'Independance de l'Esthonie*, pp. 24-26 and 35-43, with the official translations of the documents involved. Next in importance are the memoranda and writings of the Esthonian diplomats sent abroad, which are of primary importance for the ensuing period as well. Among these the most masterly presentation of the legal side is found in the *précis* of Esthonia's constitutional evolution entitled, "Les revendications juridiques de l'Esthonie," by Professor Antonius

Ukraine and the other border states. For the German High Command in the Ober-Ost the occupation furnished a means of retrieving the misfortunes and draws of the western front; for the Baltic barons it was an epoch of jubilation, in which fantastic schemes were devised for the creation of a new Germany in the Balticum, by the fusion of all the Baltic provinces into one, which should then ask the King of Prussia to become its duke; for the Esthonian population and particularly for the elements participating in or supporting the National Council and the provisional government it was a period of agony and oppression, in which, however, the national spirit could not be cowed by threats or intimidation. In vain did the higher military authorities attempt to coerce the assemblies of the peasantry, hastily convoked for the purpose, into bartering their rights as a nation in exchange for a Hohenzollern duke; the deputies solemnly announced that they could not sell their heritage, and that the provisional government and the Esthonian National Council were the only bodies empowered to act for the nation. All the projects to bring about a union with Germany were, therefore, rendered null and void by the passive resistance of the population, and, though the German command could imprison the leaders like Paets or shoot a party leader, as in the case of Jüri Wilms, the most clever efforts of the barons and the German politicians sent to consummate the delicate transaction of procuring a union with Prussia were fruitless.

The reason was clear enough: Esthonia, according to the German plans, was to become a colonizing ground for two to three millions of German farmers who were to be quartered on the

Piip in *La Revue Baltique*, pp. 134-136. See also the account in the *Estonian Review* (Reval), No. 5 (August 30, 1919), and No. 17 (November 26, 1919). Other sources are: Caro, J., *Esthonia, Her Claim for Independence*, London, 1918, pp. 1-8, which also covers the period of occupation in part; Gaillard, Gaston, *L'Allemagne et le Baltikum*, pp. 74-79; Martna, Mihkel, *op. cit.*, pp. 246-252; *Pour l'Esthonia Indépendante*, a compendium of diplomatic communications semi-officially issued in Copenhagen, 1918; the *Bulletin de l'Esthonia*, No. 2, May, 1919, pp. 12-14, especially valuable on the constituent elections of 1917-1918; and "Esthonia's Part in the World War," by Antonius Piip, *Esthonian Review* (London), Vol. I, No. 4, October 25, 1919, pp. 125-129.

estates of the barons in lieu of the tenant peasantry. One-fifth of the Esthonian peasantry having been compelled to migrate before the war on account of the unwillingness of the barons to subdivide their estates, submergence by a new flood tide of Teutonic colonization was now to be the fate of the remaining Esthonian peasants. For this reason, the plans of the Balts met resolute opposition, and with the defeat of German arms on the western front not only did the grandiose schemes of Germany collapse, but the very fate of the barons was sealed. Esthonia had shown that she would not go Bolshevik; she proved in the ordeal of 1918 that she could not be seduced by Germany. For her there remained only the course of independence, and that spelled the doom of the nobility. When the tocsins sounded the news of the armistice, it was the barons' turn to capitulate to the provisional government of the Esthonian republic.⁴

In the meantime, the Esthonian diplomats sent abroad in January, 1918, had not been idle. As the allied governments had every reason to undermine German influence in the Baltic by every means within their power, they did not hesitate to recognize the emissaries of the Esthonian National Council and the provisional government as representatives of a *de facto* government, which had actually come into being and functioned. Nevertheless, they were wary of extending *de jure* recognition to Esthonia so long as her territory was occupied by foreign armies and her existence had not been officially recognized in an explicit manner by the soviet government of Russia. For these reasons, while the allied governments gave moral support to the evicted Paets government and its representatives, and extended semi-diplomatic privileges and immunities to both, they could do little more than promise to consider the claims of Esthonia at the final peace conference and attempt to apply to her the principles of nationality and self-determination. On this point the British and French governments were most clear. The

⁴ The period of the occupation is treated in extenso in the *Memoire*, pp. 27-29; Martna, *op. cit.*, pp. 126-172, 196-210, who is the best authority on this period; Gaillard, *op. cit.*, pp. 81-90, 97-101; *Pour l'Esthonie Indépendante*, pp. 10-16; and Loudon, E. H. C., "The Rise of the Baltic States," in *The Baltic Review*, Vol. I, No. 2, pp. 49-52. Cf. also Piip, A., "Les revendications juridiques de l'Esthonie," *Revue Baltique*, pp. 134-5

Italian government, however, with memories of the secret Treaty of London which the Bolsheviks had not long before published, merely assured the Esthonian envoys that it would apply the principles of right and justice for which Italy had taken up arms. The delay of the allies in granting full recognition of the *de jure* independence of Esthonia actually worked the greatest hardships at a time when Esthonia was in the most dire need of international support. For the time being, however, the limited *de facto* recognition received was of priceless value in permitting the Esthonian envoys to make new contacts with the outside world and pave the way for eventual recognition of the more formal sort.

Devastation and political terrorization had been systematic throughout the period of German domination in the Balticum, and, as the occupying armies withdrew, they plundered the country of its last available resources and left it defenceless by junking the German supplies of ammunition and rendering all rifles and artillery unfit for use. Whether this was done as a part of a predetermined plan which would involve a return of the Germans at some later date to rescue the Balticum from the Bolsheviks, or whether the Germans feared that their supplies would fall into Bolshevik or allied hands is not clear. However that may be, the net effect of their action was to leave Esthonia virtually penniless, plundered, and an easy prey to the Bolsheviks, who promptly swarmed into the country, hoping to retrieve their errors of the preceding January by a reign of terror that should dismay the young bourgeois Esthonian republic.

This invasion rapidly swept over three-fourths of the country, and it was only around Tallinn that a band of ardent defenders managed to stave off the Red flood with the aid of the British Baltic fleet and Finnish volunteers and ammunition. It is needless to recount here the terrorism perpetrated by the Red Guards or the valiant measures of defence undertaken by General Laidoner; suffice it to say that after two months of severe fighting the country was cleared of the Bolsheviks, and the Esthonian provisional government, once more in the saddle, could

begin to cope with the grave and far-reaching problems that were immediately pressing.

PROBLEMS OF DOMESTIC RECONSTRUCTION

The new government inherited nothing but wreckage. Whatever material resources the country had had, the occupying authorities, German and Bolshevik, had squandered; production was at a standstill, commerce utterly stopped and the treasury empty. Furthermore, the provisional government, though issuing over a year before from the National Council, had been twice evicted from power and deprived of its actual authority. Therefore one of the most essential steps to be taken in the reconstruction of its political authority was to fulfil the first promise it had made on its selection, and call a constituent assembly as soon as elections could be held without outside interference.

The authority of the provisional government to summon such a body was not questioned. The Estonian National Council, issuing legally from the people under the laws and decrees of the Russian provisional government, had conferred on the Committee of Elders at the time of the proclamation of Estonian independence on November 28, 1917, plenary powers to deal with the situation as it saw fit. The program of independence and republicanism had been the fruit of the work of the Committee of Elders and the additional elements representative of the army and the political parties which the Elders had assembled on January 10/24, 1918. The formal constitutional program of February 24, 1918, issued on the eve of the German occupation, had been accompanied by the creation of the provisional government under the premiership of Konstantin Paets. Immediately following the German armistice, Paets was released from prison by the Germans and resumed his constitutional authority. A meeting of the National Council on November 20, 1918, conferred wide powers upon the provisional government, in view of the emergencies of the impending Bolshevik invasion. Thus at the end of the invasion, when the provisional govern-

ment once more asserted its control over the country, its legal authority could scarcely be disputed.

The most important problem before the provisional government was to establish itself and organize the executive and judicial bodies of the country, even before the summoning of the constituent assembly. In addition, some active measures had to be taken to control the use of the lands and to lay down, provisionally at least, some cardinal principles as to how a redistribution of the land was to be made. Accordingly, the National Council assumed for itself, pending the convocation of the constituent assembly, all legislative power, permitting the provisional government to enact by decree the urgent measures which might be required between sittings of the National Council. The provisional government, according to accepted parliamentary forms, was to be held accountable by the National Council for its collective and individual actions, though local government was to be largely in the hands of the local administrative authorities. Local government regulations of concern to more than one locality were to issue from the National Council.

The provisional government itself was composed of ministers of interior, foreign affairs, war and marine, justice, public instruction, agriculture, finance, commerce and industry, ways and communications, food supply, public welfare and labor, heading their respective executive departments. To represent the interests of national minorities, three ministers without portfolio, representing respectively the Swedish, German and Russian population, were added. To avoid so far as possible a break in the continuity of legal order, the old Russian laws anterior to the Bolshevik revolution were declared to remain in force unless modified specifically by regularly promulgated legislation or decrees. In this manner, the executive and legislative branches of government were given stability and continuity.

With the judiciary, matters were different. It has already been pointed out that the effect of the law on Esthonian autonomy had been to abolish the Russian courts without creating any substitutes therefor. Extraordinary tribunals had been erected in Esthonia under the two short soviet régimes, and during the period of German occupation German courts-martial

had ruled the country with an iron hand. With the end of the occupation, these too disappeared. It behooved the provisional government, therefore, to establish as speedily as possible some legal means of settling the difficulties between private individuals and of punishing crime, but as the Russian judges, being men of the old régime, had left the country, no learned jurists were at hand. Therefore, one of the first tasks of the provisional government after it recovered its authority was to institute entirely new courts of law, corresponding with the country's needs. An equally important task was that of revising the former Russian laws to suit the changed circumstances and the spirit of a democratic régime.

Despite the shortage of a legally trained Esthonian personnel, due to the mobilization of all the available man power to combat the Bolshevik invasion, it was possible to set up, prior to the meeting of the constituent assembly, a district court, four higher magistrates' courts, and numerous courts of first instance to handle the accumulated cases of the wartime and occupation period. No attempt was made, for the time being, to erect a supreme tribunal; that was left to the constituent assembly. In the courts thus created the judges were given considerable leeway to find the facts on their own initiative, in order to avoid any miscarriage of justice, particularly in cases involving defendants without counsel to represent them. Esthonian was made the legal language for use in the courts, though minority languages were permitted, if understood by the judge. In the particular emergency such limitation on the use of minority languages could scarcely be avoided. The ministry of justice was further empowered to take over the care of prisons, which had theretofore been matters of purely local concern, and to institute a parole system as well as establish a reformatory for minors and young first offenders. The idea behind this move was to avoid branding young miscreants as criminals and to restore their moral equilibrium by adequate vocational training. Such were the measures taken to build up a judicial system.

The agrarian situation, in many respects the crux of the whole question of the ability of the Esthonian people to bring about a democratic régime based upon respect for private property,

likewise urgently demanded regulation. Immediately after the recasting of the provisional government following the German withdrawal from the country, measures were taken to assert the control of the new government over the large landed estates. Late in December, 1918, a law was passed by the National Council empowering the government to supervise the management of these latifundia in order that they might not be abandoned or despoiled. Thereafter the government elaborated a series of principles to be followed in the application of agrarian reforms. In the first place, the estates of all those who had been traitors to the state—and this included a fair portion of the Baltic barons—were taken by the state pending final decision on the question of indemnity for distribution among the soldiers then engaged in fighting the Bolsheviks. In February, 1919, the minister of agriculture was authorized to take over ten large estates formerly belonging to the Landtags of the nobility, and used as large compounds for the growing of produce out of the sale of which the expenses of local government were defrayed. Naturally the nobility protested against the measure, but as the Landtags had been abolished—not by the action of the Esthonian National Council, but, as will be remembered, by the action of the Russian provisional government—there was no reason for retaining these domains in the hands of individual or collective groups of the nobility. The government also took over control of estates that were lying idle either because of the flight of their owners or the shortage of labor, and intrusted the farming of them to communal organizations or groups of individuals able to guarantee their cultivation. It can thus be readily seen that the agrarian program of the Esthonian provisional government was no wild experiment in the nationalization of land, but a serious attempt to distribute agricultural land equitably and to increase agricultural production by every means within its power. In the interests of economy the buildings on vacant estates were turned into schools and hospitals.

The direction which the ultimate agrarian reform program of the government would take was forecast in the party gathering of the Esthonian Democratic Party in March, 1919, when resolutions were passed demanding the liquidation of the great es-

tates, their partition and distribution to the landless peasantry of the region, the expropriation of all Landtag estates, "majorats" and entailed estates, as well as those of traitors, without compensation, and finally the voluntary or compulsory alienation of unimproved estates. In the latter case the government was asked to lease the land for six-year periods to competent farmers on condition that the latter should participate in the activities of the agricultural cooperative associations. As could be foreseen from such expressions of public sentiment, the agrarian question was destined to play a part in the tasks of the provisional government second only to that of obtaining recognition abroad. But as recognition was a matter to be determined by foreign governments and not by parliamentary decision at home, the issues fought out in the elections to the constituent assembly were largely domestic, and primarily agrarian, in character.

Despite the dangers of holding elections in the midst of a vital military campaign, all political parties were in agreement that the constituent assembly should be speedily called into being to settle definitely the problems of national reconstruction. Furthermore, it was thought that the existence of a democratic body issuing directly from the people would be of assistance in convincing foreign powers that Esthonia had established an orderly government and was entitled to recognition. But once the greater part of the country was cleared of the Bolsheviks, the provisional government ordered the holding of elections for the constituent assembly on April 5-7, 1919, on the basis of universal, equal, direct, secret and proportional suffrage.

The announcement at once stirred party activity, hitherto subordinated to the exigencies of the war, into new fervor, and party alignments, now rapidly reshaping themselves and losing their former Russian connotations, took place on distinctly national issues. The most striking feature of Esthonian political party development, as revealed by both the campaign and the elections, was the virtual disappearance of extremist parties on both the Right and the Left. The German Balts, now in an abysmal minority, found themselves primarily in sympathy with religious issues raised by a new and distinctly clerical (i.e., Lu-

theran) Christian Party, though they were granted separate minority representation. At the other extreme, the Bolshevik, or communist, elements, as such, disappeared completely, the only extremist section on the Left being the Social Revolutionary Party, which took its stand on the outright expropriation of land without compensation. But the nation was too sane to accept such counsel, and accorded its confidence to the middle-ground parties. Shortly before the electoral campaign began the Social Democrats left the cabinet formed by Paets, in order to have a free hand in the elections. The more extreme among the Social Democrats sought by a fusion with the Social Revolutionaries to create a bloc against the bourgeois parties, but the project broke down. The Social Democrats were too realist in their attitude to side with a party which, in their opinion, "lived off the crumbs that fell from the Bolsheviks' table," and which oscillated eternally between the doctrines of democracy and the dictatorship of the proletariat. In consequence, the election revealed the position of the Social Revolutionaries as pitifully weak, only a fraction over 4 per cent. of the total vote being cast for them, as compared with 37 per cent. for the Social Democrats. It was evident, therefore, that all trifling with the ideas of the status of private property in Esthonia must needs be rejected, along with Bolshevism.

The bourgeois parties in the constituent elections had changed but slightly in principles or nomenclature since the time of the elections to the National Council. The Esthonian Peasants' League, still under the leadership of Paets, was now the most conservative; next came the newly established, moderate, democratic Christian Party, formed to uphold the interests of religious conservatives. A break with the Cadet tradition in Russia was evidenced by the fusion of the Esthonian Democrats and Radical Democrats under Tönnisson, Poska, and Birk into a single Esthonian National Democratic Party. Lastly came the newly formed Labor Party (an outgrowth, as already noted, of a former "Radical Socialist Party" patterned after French models), taking its stand as the mediator between the conservative or clerical elements and those professing Marxian principles.

TABLE ILLUSTRATING RESULTS OF THE ESTHONIAN CONSTITUENT ELECTIONS, APRIL 5-7, 1919

	<i>Pcr cent.</i>	<i>Seats</i>
Social Revolutionary Party	4	7
Social Democratic Party	37	41
Labor Party	25	30
National Democrats	21	25
Esthonian Peasants' League	4	8
Christian Party	5	5
German Party	3	3
Russian Party	1	1

The elections, when viewed in the light of contemporary happenings in Central and Eastern Europe,⁵ give evidence of a high degree of similarity in the general outlook on current issues. They illustrate the marked trend in the direction of constitutional socialism or at least far-reaching and permanent economic and political democracy. When compared to the almost simultaneous elections in Finland, the proportion of forces is almost the same. Of the new body an Esthonian critic says:

After the classification of opposing forces, it is seen that the Labor Party holds the balance of power. This party, which is that of the intellectuals and the middle classes of the cities and country, is the defender of independence and a partizan of a democratic constitution. Participation in the elections was very great. In certain districts the number of voters surpassed 90 per cent. of those registered. These elections, therefore, mark the detachment from Bolshevism of the great masses of the nation and are the best proof of the moral sanity of our people.

To the constituent assembly the provisional government resigned its powers April 23, 1919. It was obvious that a cabinet in which 41 per cent. of the electorate was unrepresented, even though it were a coalition of democratic elements, could not be confirmed in power without doing violence to the public will. The result was the selection by the assembly of a new cabinet under the premiership of Otto Strandman, which was

⁵ Cf. Chapter VII, *ante*, for Finland, Chapter XIV, *post*, for Poland; cf. also *New Governments of Central Europe*, pp. 26, 145.

thoroughly in accord with the prevailing trend of public opinion. The new cabinet was a coalition of Social Democrats, Laborites and National Democrats, excluding Paets and the Agrarians from power. It made no fundamental change in either domestic or foreign policy, but determined in detail the constitutional program and the economic reforms which the country demanded.

Strandman presented his program on May 12, 1919, declaring that Esthonia was waging only a defensive war against the sovietic imperialism of Russia. The nation's demand was for peace, but only for such peace as would guarantee it independence and freedom. The defence of the nation at home, the obtaining of recognition abroad, were the primordial duties of the government. Internally the principal problem was the creation of a régime of lawful order freed from the abuses of the old régime. Individual freedom and democratic self-government were the chief means for attaining this orderly régime, which the government sought to realize and consolidate. The revision of civil and criminal laws, the rapid introduction of social legislation, the stabilization of the currency and the taxation of incomes were additional features of the government's program. But the key-principle to which Strandman and his cabinet committed themselves was the prompt realization of agrarian reform by the liquidation of the large landed properties and all the vestiges of feudal tenure. This was to be accomplished with the cooperation of democratized local government bodies. Finally, as a means to cultural improvement of the Esthonian nation as a whole, compulsory elementary education and the development of continuation and technical schools were promised.

After issuing, on May 19, 1919, a significant declaration of independence epitomizing the best of the nation's political achievements and aspirations, the constituent assembly set about its tasks. In continuance of the program of regularizing the political and legal order of the country, the next important step was to redeem, provisionally, the pledges made on the original declaring of independence, by the passage of a provisional constitution. This the constituent assembly did on June 4, 1919.

THE ESTHONIAN PROVISIONAL CONSTITUTION

The provisional constitution was a relatively short but interesting document. Without a preamble, bringing its poignant declarations forth in a straightforward manner, it declared Esthonia an independent democratic republic, defined its land and maritime frontiers, established Esthonian as the official state language, though guaranteeing the use of their own tongue to linguistic minorities in local government bodies and in the courts. For such purposes it considered Germans, Russians, Swedes and Letts as forming racial minorities. It is to be noted that this emphasis on the linguistic rights of minorities was kept strictly separate from the provisions dealing with the rights and duties of citizens. It does not appear that this distinction was intended as a derogation from the rights of minorities but rather that linguistic liberty was a general right, quite apart from the more specifically enumerated rights and duties common to all citizens.

The bill of rights was succinct but broad, being principally significant for its emphasis on human rights and dignity. "Every one has the right to an existence compatible with human dignity. To this end the law accords to all citizens the right to receive a certain amount of land which they may develop or where they may establish their habitations." With such a cardinal principle written down in the fundamental law, no obstacle could be expected to thwart the pending agrarian reforms. As a fundamental postulate of governmental conduct it was stated that the rights of citizens might be abridged only during the existence of a state of siege.

In dealing with the public powers, the provisional constitution reaffirmed the principle that the supreme power belongs to the people, as represented in and by the constituent assembly. From motives of efficiency and enforced economy, the function of chief of state was left in the hands of its presiding officer. In terse, pungent sentences the relations of the public powers were defined: "By order of the constituent assembly and under its control, the government of the republic exercises the supreme executive power. By order of the constituent assembly

and in the name of the republic, the supreme court of justice of the state exercises the supreme judicial power.”

The constitution next defined the duty of the constituent assembly as not merely the elaboration of a new permanent fundamental law, but also the establishing of agrarian and other needed social reforms. Its duties, legislative, financial, and elective, were then detailed. In the assembly also resided the final authority in the conduct and control of foreign affairs and war and peace. Following Austrian models,⁶ it created a special legislative commission to function in the interval between the sessions of the main body. Convocation of the assembly by its presiding officers, on the demand of either the government or of twenty of its members was permitted, save that in case of public calamity (as, for instance, in case of imminent danger of foreign invasion) the government was empowered to convoke it directly without consulting its officers. The significance of this provision may be noted in relation to the joint and frontal attack of both the German Baltic army and the Red Guards then being conducted against the Esthonian national army. But even in the teeth of these dangers, the Esthonian constituent assembly did not falter. With its unfeigned faith in the principles of democratic government it permitted, in the sections dealing with its competence, a final veto as well as a new source of legislative authority in the form of popular referendum and initiative. Peculiarly enough, in its passion for direct democracy, the Esthonian constituent assembly came very close to the measures which Tokoi and his colleagues had proposed for the Finnish Socialist Workmen's Republic.⁷ It is to be remembered, however, that Tokoi's draft had drawn upon American and not Russian models for its inspiration.

The ensuing section of the temporary constitution was devoted to the government of the republic, whose duties, executive, budgetary and legislative, were carefully outlined, and whose responsibility to the constituent assembly was clearly enforced. In view of the fact that the assembly must elaborate a permanent fundamental law, the government of the republic was not

⁶ Cf. *New Governments of Central Europe*, pp. 148, 150.

⁷ Cf. p. 197, *ante*.

to be selected for an indefinite period, but only for one year, or until the permanent constitution should go into effect. This was probably the first instance in any modern constitution where a definite time limit was set to the term of a responsible executive of the parliamentary type. As in most of the contemporary constitutions, definite rules for the action of ministerial councils were laid down for the guidance of inexperienced cabinets. These related principally to the procedure in cabinet meetings and the requirement of majority rule on the part of the cabinet. The constitution gave legal sanction to the eleven existing ministries and provided for "national secretaries" to replace the ministers without portfolio who had been guarding national minority interests. An annotation permitted the constituent assembly to authorize consolidation of governmental departments under a single head, or the carrying of several ministries by one individual.

Having thus safeguarded executive authority against abuses inherent in the possession of untrammelled power, the constituent assembly set safeguards for its own membership, by according a limited form of parliamentary immunity to its members, which exempted them from accountability for opinions expressed or interpretations formulated before itself or its commissions. No limitation was placed on their civil and criminal liability for acts committed during the run of their mandate or in the accomplishment of their functions. However, the consent of the constituent assembly itself must be obtained before their prosecution, without which no trial could take place. Members were exempted from military service.

To confirm the provisions already edicted by the provisional government, the constitution validated all decisions previously taken and reiterated that laws not expressly abrogated remained in force. Laws passed by the assembly were to go into force when duly proclaimed and notified to local authorities. For the amendment of the provisional constitution a majority of the total membership of the constituent sufficed. This, it will be readily seen, placed the provisional constitution on virtually the same basis as a statute of ordinary character, and gave it no especial sanctity. It being transitional and temporary in its na-

ture, however, little need for rigidity in amendment was felt. Such was the provisional constitution, Spartan in its simplicity and lack of ostentation. It established a working frame of government and gave legality and vitality to the institutions previously created by the provisional government.

To complete the judicial side of the government, the constituent assembly, by a law of October 21, 1919, instituted the Supreme Court of Justice of the Esthonian Republic. This essential capstone to the judicial system was patterned very largely after the old Russian Governing Senate. Its members were to be jurists of renown who had served at least ten years in lower magistracies, and were to remain in office for at least two years following the convening of the first regular Esthonian parliament. The court was to enjoy liberal internal autonomy and was to elect its own officers. Three sections of the court were established, for civil, criminal, and administrative cases. It was left to the court to determine whether cases were to be decided in sectional or plenary sessions. The civil and criminal procedure and the competence of the court in such cases were scarcely modified from Russian practice, but the administrative section was endowed with certain powers handled by other agencies under the Russian régime. The administrative court was to hear appeals from justices of the peace in regard to corporate unions and was to have power to reverse other verdicts of the justices' courts organized under the law of February 12, 1919. In general, therefore, the court had the same jurisdiction as the old Russian courts save that it was empowered to try members of the constituent assembly, of the government, the commander-in-chief of the army, and so forth, as provided by the provisional constitution. The decrees of the court were to be final in all cases and the tribunal was specifically endowed with powers of cassation. The promulgation of laws, ordinances, and so forth, as well as the conservation and classification of original legislative texts, was to be turned over to the court, while the earlier law on this point, hurriedly passed on April 1, 1919, was to be superseded. In this way a judiciary capable of handling all the cases that might come to it from the lower courts was actually established.

ESTHONIA'S AGRARIAN REFORM

The next task of the constituent assembly was to devote itself to the problem of agrarian reform in dead earnest. From July to October, in the midst of grave dangers to the country from the dual attack of the Germans and the Bolsheviks, the assembly debated the agrarian question, and under the active leadership of Strandman, determined the method by which the reform would be carried out. In an able address before the assembly on July 29, 1919, Strandman gave the key principles of the reform as the desire to abolish all feudal institutions, entails and similar privileges of the land-owning class, and to replace them by a democratic system of small holdings such as had proved successful in Denmark and in Western Europe generally. Only in this way would it be possible for the Esthonian people to realize at once their economic and political liberation.

As finally passed on October 10, 1919, the basic agrarian bill provided for the creation of a great landed reserve under state ownership and control through the expropriation of large estates, along with all their appurtenances, coming within certain broad categories as defined by the old Russian private law code for the Baltic provinces. Such expropriation was to be made for the benefit of the state, irrespective of the original owners of the land. Municipal and communal lands, cemeteries, movable property of contract tenants and of church estates were exempted. In order to give immediate effect to the reform the expropriation, as a legal act, was to become effective at once, tenants of land becoming *pro tanto* agents of the state. The state, however, while acquiring all rights over such property, accepted only a part of the legal obligations attaching thereto, while scrupulously observing all contractual obligations involving the lands.

All servitudes of a real or personal nature were abolished, as were legal impediments to the legal partition, sale or transfer of the lands. The state reserved for future legislation the problem of indemnity for obligations quashed by the new law. Indemnities for expropriation, if and when determined, should be based on the land values in 1914, at purchase price, allowance

being made for depreciation or deterioration of movable and immovable property respectively. For the administration of the law special commissions, composed of representatives of the ministry of agriculture and the presidents of the districts and cantons involved, were created, appeals from the decisions of which would go to a supreme appraisal commission composed of representatives of the ministries of justice, agriculture, finance and two other government commissioners, whose decision would be final. Such was the mechanism set up to effect the distribution of the land.

Several methods were provided for the distribution of lands. They might be given in hereditary enjoyment to individuals or to establishments and institutions on long leases, or to individuals on short leases or might be farmed by the state itself. The principle that the land belongs only to those working it, whether wholly or only accessorially, was laid down explicitly, and the effort was made to allow no individual or family more land than could be worked "by a family and two horses, regard being had to the quality of the soil, its condition and location." Preference was to be given in the allocation of holdings to persons distinguished for their bravery in the war, if civilians, then to wounded soldiers, then to families of war-dead and, last of all, to the soldiery then engaged in the defence of the country. The state was to give aid to needy peasants and assist in the improvement of their land if necessary. Farmers were to be given the right to acquire as their personal property by purchase the implements advanced to them by the state for the purposes of cultivating the land. To facilitate the extensive credit operations necessary for this vast series of transactions, a land bank was to be created, and rentals for the land were to be payable in cash or kind according to the value of poods of rye. The distribution of over three million acres of land was planned on a four-year schedule, but the state retained as its own domains all wooded and forest plots, as well as the rights to all products of the sub-soil.

By this gigantic piece of legislation Esthonia sought to undo what centuries of historic subjugation of the peasant classes had done and to open up a new status and an independent economic

future to her agricultural classes. It will be noted that throughout the bill every precaution was taken to safeguard the sanctity of property and contractual rights save as these had been unrighteously, if lawfully, acquired by the Baltic barons. It was on them that the incidence of the new reform fell, and there were none to pity the demise of a highly cultured but tyrannical caste who had not learned sooner that they must bow inevitably to the exigencies of a democratic régime. Although the bill was the product of a ministry largely socialist in its views, there was no menacing of individual rights to land ownership by the clinging to an absurd ideology, such as had thwarted the progress of Hungarian land reform under Karolyi,⁸ nor was action continually deferred, as in the Ukraine under the Rada government. The prompt achievement of the reform is a tribute to the inexhaustible activity and deep sense of reality characterizing the Esthonian people as opposed to the irresolution and subjectivity of their Russian neighbors. For Esthonia, at least, the Strandman law was the logical and rational solution to a grave and oppressive problem and a fundamental guarantee of social peace.

In its subsequent application, the Strandman law has been productive of highly satisfactory results in the increase of the number of small settlers and in the improvement and augmentation of agricultural production. Although adverse financial conditions resulting from the reluctance of foreign states to acknowledge Esthonia's political independence prevented the government from doing more for the peasant classes, the work of expropriation was continued at all hazards as the best possible antidote for social unrest and the attractive theories of social revolution. It is beginning to build up in Esthonia, as in Czechoslovakia, Finland and elsewhere,⁹ an independent middle class of small landed proprietors who will be the bulwark of national stability, and, because of their personal initiative, also the greatest assurance of cultural and social progress.¹⁰

⁸ Cf. *New Governments of Central Europe*, pp. 212-213.

⁹ *Ibid.*, pp. 282-283, and Chapter VII, pp. 234-237, ante.

¹⁰ On the period of national reconstruction and the constituent assembly cf. Martna, *op. cit.*, pp. 257-264; the *Mémoire*, p. 30; the *Estonian Review* (Reval), Nos. 1, 2, 3, 5, 15, 17, 18, and 19, extremely valuable for authentic statements and documents; the *Bulletin de l'Esthonie*, No. 1

(April, 1919), pp. 7-8, 18; No. 2 (May, 1919), pp. 7-16; No. 3 (June, 1919), pp. 39-43; No. 5 (August-September, 1919), which contains the text of the provisional constitution, pp. 9-16, the agrarian law, pp. 16-22, and speeches thereon, 23-28; No. 7 (November, 1919), pp. 32-37, containing the final draft of the agrarian law; No. 14 (August-December, 1920), pp. 6-7, dealing with the application of the law. *La Revue Baltique*, No. 9 (May, 1919), contains an important article on "La campagne electorale en Esthonie," p. 240. The Esthonian Declaration of Independence is also given in No. 10 (June, 1919), p. 258, while the text of the provisional constitution is to be found in No. 12 (August 15-September 1, 1919), pp. 318-320. A brief sketch of the government is also given in the *Report of the American Mission to Finland, Esthonia, Latvia and Lithuania on the Situation in the Baltic Provinces*, pp. 11-16 (Sen. Doc. 105, 66th Congress, 1st Session). On the agrarian reform cf. also Luiga, G. E., *Die Agrarreform in Eesti: ihr Werdegang und ihr Wesen* (Helsingfors, 1920), and Vesterinen, Emil, *Agricultural Conditions in Esthonia* (Helsingfors, 1923).

CHAPTER IX

THE VINDICATION OF ESTHONIAN INDEPENDENCE

ESTHONIA AND THE ALLIES: *Allied Theories of Recognition—The Allies and the Principle of Nationality—The Allies and the Unity of Russia—Wilson and the Russian Reactionaries—Esthonia and the Paris Conference—Failure of Poska's Pleas for Recognition. THE PEACE OF TARTU: Piip and the Policy of Self-reliance—Negotiations with Russia—The Bases of Peace: (1) Territorial Clauses—(2) Minority and Military Clauses—(3) Financial and Economic Clauses—Significance of the Settlement—Final de jure Recognition. THE GENESIS OF THE CONSTITUTION: The December Draft. THE ESTHONIAN CONSTITUTION OF JUNE 15, 1920: Preamble—General Provisions—Bill of Rights—Minority Guarantees—Direct Legislation—The State Assembly—The Ministry—The Riigiwanem—The Judiciary—Local Government. CONTEMPORARY POLITICAL DEVELOPMENTS IN ESTHONIA: Strandman, Tonisson and Piip—Paets and the Return of the Agrarians to Power—Kull and the Referendum on Religious Education—The Second State Assembly—Akel's Financial Reforms—The Jaakson Coalition—Temant and the New Farmers—Elections to Third State Assembly—The Present Status of Parties: (1) The Communists—(2) The Social Democrats—(3) The Bourgeois Parties—(4) The Agrarians—Economic and Financial Reconstruction.*

ESTHONIA AND THE ALLIES

THE establishment of constitutional government in a country long dominated by a selfish, aristocratic clique of landed nobility was scarcely more difficult than the establishment of Esthonia's position in the family and later in the Society of Nations. The emissaries which the provisional government sent forth immediately after its creation were not received in the capitals of the Central Powers. They were welcomed in allied capitals but only as means whereby the allies might work against the eventual German domination of the Baltic provinces. The provisional recognition accorded the representatives of the Esthonian National Council and the provisional government was merely *de facto*,¹ simply a blunt recognition of the possibility

¹ After the close of hostilities, in January, 1919, the British Admiralty Court, in the case of the *Gagara*, held this *de facto* recognition to mean recognition of the sovereignty of the Esthonian provisional government.

that an overgrown local government body might, through the collapse of Russian, and perhaps German, authority, become for the time being, in the midst of the chaos in which the Russian Empire found itself, the *de facto* authority over a limited area under its effective military control. Such, at least, was the construction which representatives of the old Russian régime in allied capitals tried to place on the provisional recognition accorded the Esthonian government by the principal allied Powers. Reference has already been made to the unwillingness of the Italian government to commit itself to the recognition of Esthonian claims to independent nationality. With the British and French governments, the situation was different. The British Empire, in view of the aspirations of its own self-governing dominions, in view of its promises and commitments in the Levant and elsewhere, had been forced by the exigencies of the World War to abandon its nonchalant attitude toward the claims of nationality—an attitude which it had maintained at every European congress in the nineteenth century, from that of Vienna to those at the end of the Second Balkan War—and to accept the principle of nationality, of the rights of peoples to self-determination. The purpose was to disrupt at least two of its adversaries, the Austro-Hungarian and Ottoman empires, by the liberation of their subject races and oppressed peoples.

The principle was as dangerous as it was dynamic, and scarcely had the British government made this commitment when it was confronted with the spectacle of a far-reaching disorganization and disruption of the former domains of the Romanovs. Under the circumstances British foreign policy vacillated, and French policy was itself shaken from its moorings. For both the major allied Powers, therefore, the disruption of the Russian Empire presented a new factor to reckon with in relation to a long-established foreign policy, and the adjustment of policy to the exigencies of this far-reaching change was as difficult as it was slow. In the diplomacy of Downing Street and the Quai d'Orsay a Russia one and indivisible had become an axiom. It was the fundamental postulate on which the Franco-Russian alliance and the Anglo-Russian entente had been built up.

When, therefore, the foreign offices on both sides of the channel were besought by representatives from the border states for recognition, it was impossible for either the French or British government abruptly to reverse its open and professed approval of the principle of nationality. Nevertheless the application of such a principle to the Russian Empire and its former component parts must inevitably clash with the traditional bases of foreign policy.

In the hopes of staving off the evil day of coming to a final decision on so troublesome a question, the British and French governments postponed the question as to final *de jure* recognition of the various states issuing from the former Russian Empire until the meeting of the Peace Conference of Paris. Thus the studiously courteous notes emanating from the allied chancelleries during the spring of 1918, when the first Esthonian emissaries arrived, held forth a promise that was auspicious from the standpoint of the delegates of the new state yet one which, by reason of the changed circumstances and the entry of new factors and forces on the scene at the time of the meeting of the peace conference, was destined to remain unfulfilled, in violation of the most explicit promises of the major allied Powers.

The new forces at work in hindering the political development and the obtaining of recognition by Esthonia,² were (1) the Russian reactionaries, who swarmed into Paris, breathing revenge against the Bolsheviks, and (2) President Wilson, who, largely engrossed in the much greater enterprise of creating an all-inclusive international organization, sided with the Russian reactionaries in the common end of preserving the territorial integrity of Russia from despoilment at the hands of either the allies or the Central Powers. It is not likely that Wilson was in agreement with the Russian reactionaries as to means; that is amply demonstrated by the insistence upon the proper devotion of imperial authority through an all-Russian constituent assembly, so frequently reiterated by Wilson in the allied corre-

² For that matter, the same forces opposed the recognition of all the other Baltic states except Finland and Poland, whose separate ethnographic claims were generally recognized by both the allied governments and the representatives of the former Russian provisional government.

spondence with Admiral Koltchak and the Omsk government. But his unfortunate mistake was his failure to weigh seriously the claims of the Baltic states to self-determination on the basis of ethnographic and cultural separateness, while he attempted to safeguard *in vacuo* the rights of a non-existent "united Russia." It was this dogmatic belief in the self-appointed mission of the peace conference to act as the trustee of the Russian people, and to hold their rights intact and unimpaired by encroachments from whatever quarter, that was destined to work havoc with the claims of the Caucasus states and the Ukraine, and almost to sacrifice the Baltic states on the altar of a legal fiction.

In the midst of this complex of international forces the Esthonian government was compelled to assert its claims for Esthonian independence on the basis of self-determination. Esthonia had twice made good by force of arms her claim of hostility to Bolshevism, first in the winter of 1917 and again in the weeks following the German evacuation of the Balticum. Her continuous defence of her territory during the summer and fall of 1919 was a standing reminder—of which the Esthonian diplomats did not fail to take advantage—to the peace conference that the Esthonian nation was determined to implant only democratic institutions in her territory, and would staunchly resist all efforts at violence and social revolution. It was also Esthonia's purpose to refrain from territorial aggrandizement, and from including, by too far-fetched claims, any appreciable racial minorities within her territorial domain. This second basic principle of action, which clearly revealed the pacific disposition of the nation, and her fair-minded attitude towards the country of which she had once been a part was, however, subject to great misconstruction since, from the standpoint of the allied governments, any state not militantly striving for the overthrow of the Bolshevik régime must, of necessity, be in league with the Russian Soviet Republic. This view, which the Russian reactionaries were largely successful in foisting upon the allied governments, was responsible for the allied encouragement of the desperate raid of the Russian forces under General Judenitch across Esthonian territory and against

Gatchina and Petrograd in the late summer and fall of 1919. In the face of possible allied hostility, Esthonia cooperated with the troops of the self-styled "Northwest Government of Russia," and refused armistice terms offered her separately by the soviet government in September at Pskov.³ But when it became obvious that the presence of the retreating Russian reactionaries on Esthonian soil was a harbinger of renewed subjugation of Esthonia to a reactionary Russian régime, the revulsion in popular feeling was perceptible, a new policy of self-reliance and independence from both allied, Russian and German orientations was called for, and Esthonia struck out boldly on a new course of action which was to bring her peace.

To the Peace Conference of Paris Esthonia had sent Jaan Poska, who had been the commissioner of the Russian provisional government in Esthonia, and was therefore *persona gratissima* to the Miliukov-Kerensky régime. In Paris, surely, where the representatives of the Russian Cadets were gathered, Poska would find support for the claims of an independent Esthonia. The outcome was disappointing. Although ably seconded by Pusta, Piip, Koestner and Martna, his colleagues on this mission, Poska was unable to command a direct hearing before the allies; their missives sent to the secretariat of the peace conference received scant attention, and the only body before which they might be heard was the Baltic Commission, created by the conference, whose powers were in no wise final.

In vain did the veteran Poska endeavor to convince the allied Powers that the recognition of Koltchak would only lead to utterly undemocratic reaction, and to the suppression of the liberties of the border peoples. The peace conference, still under the spell of the idea of a Russia one and indivisible, accepted the assurances of the hero of the Black Sea fleet that the border

³ This offer the Esthonian government considered an attempt of the soviet government to break up the established informal cooperation of the Baltic states. The Esthonian delegates at the Pskov conference therefore demanded that the soviet government should propose peace negotiations to the other Baltic states, including Poland, before they could enter into a discussion of the terms of the proposed armistice. This the soviet government appears to have been unwilling to do at the time, doubtless because of the aggressive tactics of Poland.

nationalities would receive their due. At length, wearied and discouraged by so futile an undertaking, Poska returned to his country, resigned the portfolio of foreign affairs, which was confided to Piip, and retired to the recesses of the committees of the constituent assembly, there to offer what sage counsel and advice his years could bring to the formulation of the policies of the young republic.

THE PEACE OF TARTU

It was clear that nothing was to be expected from Paris, hence Esthonia was left under the imperative necessity of solving the problem of her relations with Russia single-handedly and without dependence upon the statesmen of the allied countries. The diplomatic vacillation of the allies, the collapse of Jude-nitch, the attempted blockade of Soviet Russia through the side of the border states, the failure of the policy of the *cordon sanitaire*, the retreat of Koltchak and the defeat of Denikin made it difficult, if not impossible, for Esthonia to continue the struggle. During September, Piip made a heroic effort to procure concerted action by the various border states and to present a united front to Soviet Russia in the negotiating of peace, but petty differences of opinion as well as more fundamental divergences of interest precluded common action. After intermittent negotiations, an armistice was signed with the soviet armies at the end of December, 1919. Thereby Esthonia put an end to an insensate war, and prepared to seek a settlement on as honorable terms as possible.

Peace was now in the offing, but it was not to be had for the mere asking. To the task of peace-making the cabinet and the constituent assembly called Poska and Piip, and both contributed signally to the negotiating of Soviet Russia's first capitulation to a border state. It required over a month of intermittent but intensive negotiation with the soviet commissioners to bring about a settlement with Russia. The choice of Tartu (Dorpat), in Esthonian territory, as the place for negotiations was indicative of the dire necessity under which the Russian Soviet Republic labored. Instead of negotiating on the armistice line or

in Russia, the commissioners "came to Canossa" and made their peace with Esthonia by the Treaty of Tartu of February 2, 1920.

By the terms of the treaty Russia acknowledged the right of all peoples to self-determination, to the point of allowing complete secession from the state of which they formed part; she unreservedly recognized the independence and autonomy of Esthonia and renounced voluntarily and forever all her rights of sovereignty over the Esthonian people and territory, extinguishing all the legal bases of Russian possession under the Treaty of Nystadt and all other international treaties. The Esthonian people and land were entirely freed from any obligation arising from their having been a part of the former Russian domain. After defining the frontiers, the treaty acknowledged Esthonia's undertaking to neutralize a region near the frontier, and Russia's reciprocal demilitarization of a zone east of the frontier line. Following the principles of the Rush-Bagot agreement of 1818 in relation to the American Great Lakes, the contracting parties undertook to keep no armed vessels whatsoever on the lakes forming the greater part of the eastern frontier of Esthonia. By Articles V and VI, Russia guaranteed to respect the neutrality of Esthonia, should it be internationally recognized, and to take part in guaranteeing it, while both parties agreed to accede to the neutralization of the Gulf of Finland, should all the states concerned come to a common agreement on the subject.⁴ It was further stipulated that in the event of such an international agreement, both parties were to organize their naval forces in keeping with the convention. These stipulations determined the general policy of the two states in regard to their land and naval frontiers and forces.

The treaty further permitted persons dwelling in their respective domains to choose either Esthonian or Russian nationality. Choice of nationality other than that of the region in which the individuals were living must needs entail the migration of such persons to the country chosen within one year. In this drastic manner both countries resolved to settle the problem of their respective national minorities, thereby reducing them largely to linguistic or racial, but not alien, minority

⁴ On the steps taken to carry out this stipulation cf. p. 225, *ante*.

groups. In order to liquidate the remnants of Judenitch's army, very detailed provisions were laid down against the sheltering of armed forces in the territory of either power which might be, or were intended to be, used against the other. These residual military forces were to be interned and their material and accouterments sequestered for a period of almost two years. To make sure that this military liquidation was immediately affected, a mixed commission of control was forthwith established and provided with specific instructions as to its manner of procedure.

The financial and economic clauses of the Treaty of Tartu stand out in marked contrast to the elaborate schedules affecting the defeated Central Powers in the treaties making up the Peace of Paris. Both parties waived the right of repayment of war costs or compensation for war losses, including losses from requisitions of all kinds. This would appear to have been due not so much to the magnanimity as to the absolute bankruptcy of both negotiators, whose natural resources had been well-nigh exhausted by the war. Elaborate provisions were made for the exchange and repatriation of prisoners under a mixed commission, a very broad amnesty being accorded on both sides to prisoners accused or convicted of insubordination or other acts of a criminal character.

By way of penalty to the other border states for not having consented to negotiate simultaneously with Esthonia in the making of peace with Russia, it was provided that the exemptions, rights and privileges granted to Esthonians were in no wise to serve as precedents for the later settlements which all knew must inevitably be reached with the other states. Any privileges or exemptions which might be obtained by the parties to later peace compacts with Soviet Russia would be extended automatically to Esthonian citizens, local government bodies or corporations. Special schedules arranged for the resumption of commercial and economic relations on the most-favored-nation basis, while various mixed commissions were appointed to settle outstanding questions of detail in matters of private law or economics. Finally, it was stipulated that there should be no transit duty on Russian transports through Esthonia.

The significance of the Treaty of Tartu can scarcely be overestimated. It marked the first serious endeavor of a democratic country to enter into relations of a legal character with the soviet government. From the standpoint of the border states and of Esthonia, it was an augury of the possibility of settling the whole Russian question without reference to the allies. On the other hand, it gave the soviet government an opportunity to lay down the broad lines of conduct to be applied in reaching a settlement with the other states formed from the territories of the Russian Empire. In the words of Joffe, one of the soviet negotiators, "All the material advantages of the peace are on Esthonia's side. Soviet Russia has drawn but one political benefit therefrom. It has closed the mouths of her enemies, having proved that Soviet Russia is the only state in the world which does not pursue an imperialist policy, and which puts in practice the principle of self-determination of small peoples." Making due allowances for the exaggeration of the negotiator, it cannot be denied that Soviet Russia sought, by exceptionally gracious treatment of Esthonia, to force the other Baltic states to make their peace. Chicherin held the Peace of Tartu as an important proof of the possibility of peaceful relations between socialist Russia and a capitalist government. To Esthonia the treaty brought real peace; to her neighbors the opportunity to escape from the tangle of Russian reactionary intrigue and the motivated political intervention of the allies. For the latter, the successful negotiation of the treaty proved the undoing of their entire policy of coercion of the Bolsheviks. The gross shortsightedness of a frankly anti-Bolshevik policy had been made patent, and it was abandoned, save for the final futile adventure of Baron Wrangel.

Once that *de jure* recognition had been accorded by Russia, Esthonia was enabled to present her claims with much greater force to the western democracies. Though minor recognitions were received in the course of 1920, it was left for the British and French governments to act decisively. These governments deferred their decision for almost a year, until January 26, 1921, when the last of their imperialistic adventures in Russia had been abandoned. By that time all the other border states had

come to terms with Russia, and, with general peace in the region, Esthonia could be recognized with safety. Thereafter the other continental countries followed rapidly in the wake of the allies, and in September, 1921, the second Assembly of the League of Nations, which had previously postponed⁵ the applications of Esthonia, Latvia, and Lithuania for membership on account of their proximity to Russia and the general instability of political conditions, acknowledged that a changed situation had come about and admitted the Baltic states to full membership.⁶

THE GENESIS OF THE CONSTITUTION

Once peace had been definitely reached with Soviet Russia, it was possible for Esthonia to turn seriously to the work of constitution making. The provisional constitution had been drafted as merely a transitory measure to tide the country over the period of crisis in its foreign relations. It remained, therefore, for the constituent assembly to elaborate a new instrument.

To this end the assembly had intrusted to a drafting committee the preparation of a draft of a permanent constitution. This committee, beginning its task as soon as the provisional constitution went into effect, brought forward for first reading, in December, 1919, a long draft constitution of 111 articles, not differing materially from the provisional constitution in fundamentals, but going much further in specifying the rights of

⁵ The action of the first Assembly in regard to the applications of all the Baltic states was somewhat equivocal, as the members were rather reluctant to undertake a territorial guarantee for states not yet generally recognized. Thus Esthonia, Latvia and Lithuania were not admitted to full membership, though they were admitted to participation in the technical organizations of the League. Five states, however, Colombia, Italy, Paraguay, Persia and Portugal, voted for the immediate admission of all the Baltic states. Cf. *Records of the First Assembly, Plenary Sessions*, pp. 615-640, esp. p. 627.

⁶ The diplomatic negotiations of the Esthonian republic are extremely well documented, as it was the principal endeavor of the delegation, at the Paris peace conference and later, to make clear and consistent Esthonia's claims to full independence, nationhood, and participation in the League of Nations. Such is the full portent of the collection of documents entitled *Pour l'Esthonie* published by the Esthonian delegation

individuals and the relations of the public powers. Under this project, specific safeguards were established against any division of citizens into classes, and all citizens were made equal before the law. In addition to the guarantees of liberty already provided by the provisional constitution, only two important stipulations, one proclaiming that there should be no state church, and the other abolishing the death penalty, were incorporated. To these was added the provision—doubtless at the instance of the aggrieved barons—preventing the *total* confiscation of the possessions of an individual. In the economic sphere every possible guarantee was assured private property and individual initiative. Here were evidences of a recession from the flood tide of agrarian socialism which had been predominant at the time of the election of the constituent assembly. The initiative and referendum were retained, as in the provisional constitution, amplified, however, by the provision that the parliament must yield if a law was defeated by popular referendum.

The legislative body provided for in this draft was to be made up of 150 members chosen for a four-year term according to the existing electoral law. Save for the fact that each legislature was to fix the compensation for its successor, the provisions which had defined the authority and organization of the constituent assembly were unchanged. The principal innovation was the creation of a presidency of the republic, to give the nation a distinctive chief of state, with the usual authority appertaining

(headed by Tönnisson) to the Scandinavian countries in the summer of 1918 (Copenhagen, 1918, p. 62); it is the avowed object of the *Mémoire* previously cited, which contains also the memorandum drafted by Piip on *Les revendications juridiques de l'Esthonie*, to which reference has already been made. A supplement to the *Mémoire* is found in the *Lettre de la Délégation Esthonienne adressée à M. le Président de la Conférence de la Paix à l'occasion de la Proposition de Paix faite par le Gouvernement des Soviets*, September 29, 1919. Valuable diplomatic correspondence is contained in the *Bulletin de l'Esthonie*, No. 1, p. 17; No. 2, pp. 19-20; No. 3, pp. 43-55, containing the pleas of Pusta and Piip before the Baltic Commission of the peace conference, as well as Piip's remonstrance against the proposed recognition of Koltchak; No. 4, pp. 21-7, containing further arguments against the recognition of Koltchak; No. 5, pp. 30-34, pointing out recognition of Finland as a precedent for Esthonian recognition, and noting recognition by the "Northwest Government of Russia"; No. 6, pp. 5-38,

to a chief executive, including, in particular, the right of budgetary initiative. The method of selection of the president was left open, though it was provided that he must be chosen at the beginning of the legislative sitting of every new legislature, i.e., every four years. Two definite proposals, however, were made regarding presidential elections. The first contemplated his election by the legislative assembly, or by an electoral college composed of the legislative assembly and delegates of the cantonal and municipal councils. The second proposal, for the election of the president by direct vote of the people, was rejected as being likely to lead to difficulties, as it did not appear that any one candidate would be likely to receive a majority vote of the nation.⁷ As titular executive, the president was to name the ministry, as in most continental countries. He could be impeached by the legislative body and tried by the supreme court. The president was not to be a member of the legislative body, but was to be required to take a solemn oath to uphold the constitution. The usual powers of adjournment, prorogation and dissolution of the legislative body were to be intrusted to the president, but ministerial responsibility to the legislature was to be strictly enforced.

The judicial side of the draft constitution left the supreme court, as created by the law of October 21, 1919, virtually unchanged, save that the judges were to be elected and that a jury system was to be introduced. A sort of high administrative

recounting the first Baltic conferences and their common program of action; No. 8, pp. 36-8, indicating Esthonia's break from allied policy (very important); No. 9, pp. 20 ff. containing statements of Esthonia's new policy and willingness to cooperate with allied measures following the lifting of the blockade of Soviet Russia. No. 10 deals extensively with the Treaty of Tartu, pp. 24-38. Cf. also No. 12, p. 37, renewing Esthonia's pleas for recognition, as also No. 14, pp. 58-64, and No. 15, pp. 28-30, wherein allied recognition is finally given. On Esthonia's claim to participation in the League of Nations cf. *Esthonian Review* No. 10, pp. 386-391, containing an article by A. Piip on "Esthonia and the League of Nations." On the early moves for recognition cf. Gaillard, *op. cit.*, pp. 91-98; *La Revue Baltique*, No. 1, pp. 21-22; No. 2, pp. 57-59; Nos. 6-7, pp. 134-6; and No. 8, pp. 186-7.

⁷ It is interesting to note that in this respect the drafting committee borrowed directly from Finnish practice in the constitution of 1919. Cf. p. 213, *ante*.

tribunal to be called the "Control of State" was to be created to keep the governmental institutions within the confines of their jurisdiction, but appeals from its decisions could be made to the supreme court. The legal rights of minorities were to be carefully safeguarded, as in the provisional constitution, and wide powers were to be accorded the municipalities and other local government bodies, subject to control by the local tribunals. It would appear that the draft constitution sought to retain all the advantages of administrative tribunals without separating them from the ordinary tribunals, and without linking up local administration to a professional bureaucratic clique. After two centuries of maladministration under the Russian *chinovniks*, Esthonia yearned to copy the local governmental systems of Scandinavia and England.

The final provisions of the draft paid particular attention to military defence. This was not surprising in view of the circumstances under which the draft was drawn up. No foreign armies were to be permitted to enter the republic (the memory of Judenitch was all too clear!) nor were the armed forces of the republic to be sent abroad without the consent of the legislative assembly. The constitution was to be amendable either in whole or in part by either legislative or popular initiative, though such amendments must be ratified by a popular referendum after three months' notice. If, however, the proposed amendment were to deal with the people's rights, a six months' notice would be required. The final article of the draft declared that all laws or decrees contrary to the constitutional law were to be null "*de plein droit*." In this way, by the fiat of the constitution itself, that instrument was to be made a law of superior obligation without creating a condition of judicial supremacy.

After the presentation of this draft to the constituent assembly six months passed, filled with the negotiations for peace with Russia, before the final and permanent constitution was brought into being, on June 15, 1920. In its final form, it was a hybrid between the provisional constitution and the December draft, with many of the features of each. In the process of final revision the December draft was greatly reduced in length, the permanent constitution comprising only 89 articles.

THE ESTHONIAN CONSTITUTION OF JUNE 15, 1920

The permanent constitution gives evidence of the industry and indefatigability of its makers. The constitutional commission had been in session for over a year and had studied, in considerable detail, the experiments of other states in the drafting of their constitutions. The constitution therefore gives some evidence of the models on which it was based. While the German constitution was followed in its economic aspects and in its provisions for direct legislation (with important modifications), the committee relied more upon the constitutions of Switzerland, France and the United States for fundamental principles. The preamble, like that of the Czechoslovak constitution,⁸ was patterned after the preamble to the American instrument.⁹ "The Esthonian people with unshaken faith and the resolute will to create a state based on justice, law and liberty, for the defence of internal and external peace, and as a pledge for the social progress and general welfare of present and future generations, has drawn up and accepted through the constituent assembly the constitution as follows."

The first¹⁰ of the ten sections into which the constitution is divided contains general provisions defining the political régime of the country, its territorial content, the means of exercising state power, and the binding force of duly enacted law and international law, and prescribing Esthonian as the official state language. Article 1 describes Esthonia as "*an independent autonomous republic* in which the power of the state is *in the hands of the people*." The article is significant in several respects, as combining traditional political theory with the newer concepts of democracy. Thus the joint use of "autonomous" and "independent" follows the constitutional theory of Jellinek,¹¹ accepting the difference between external and in-

⁸ Cf. *New Governments of Central Europe*, pp. 292-293.

⁹ Piip, Antonius, "The Constitution of the Republic of Esthonia," *The Constitutional Review*, Vol. IX, pp. 3-12, January, 1925. "As a matter of fact the introduction to the Esthonian constitution is nothing else than a rewritten preamble of the American constitution."

¹⁰ Articles 1-5.

¹¹ Piip, *loc. cit.*, p. 7.

ternal sovereignty, the former term referring to its internal and the latter to its external aspects. The statement that the power lies in the hands of the people is not a metaphor, as the provisions for direct legislation make abundantly clear. Whereas other constitutions *vest*¹² authority in the people, or declare it *emanates from*¹³ them, or that it *resides in*¹⁴ them in a more or less metaphorical sense, the Esthonian constitution appears to be the only one in force in which the most direct expression possible of democratic doctrine has been crystallized into constitutional precept.¹⁵

Article 3, which categorically declares that Esthonian state power can be exercised only through constitutional channels and in accordance with the precepts of the constitution, does its best to proclaim, by mere fiat, the superior obligation of the fundamental law. In adopting "the generally accepted precepts of international law . . . as an inseparable part of her juridical order," Esthonia patterned closely after the German constitution¹⁶ and the principles which have long been accepted in Anglo-American jurisprudence, that the law of nations is a part of the law of the land and is binding upon all citizens. She thus gave evidence that in her international relations a scrupulous observance of contractual and conventional rights and duties would be a cardinal principle.

The second section¹⁷ deals with the fundamental rights of Esthonian citizens, declaring all citizens equal before the law and outlawing any public privileges or prejudices derived from birth, religion, sex, rank or nationality, as well as titles, decorations, or class divisions. This frank expression of equalitarianism was probably intended to extinguish whatever claims the German Balts might attempt to assert in regard to their in-

¹² *Constitution of Mexico*, Article 39.

¹³ *Constitution of Belgium*, Article 25; *Constitution of the German Commonwealth*, Article 1.

¹⁴ *Constitution of Chile*, Articles 3, 27.

¹⁵ Clark, R. T., "The Constitution of Esthonia," *Journal of Comparative Legislation and International Law*, 3rd Series, Vol. III, p. 248 (October, 1921).

¹⁶ *Constitution of the German Commonwealth*, Article 4.

¹⁷ Articles 6-26.

herited prerogatives, but was not designed to thwart social legislation for the preferential protection of women.¹⁸ The usual legal rights of citizens to inviolability of person and domicile, to trial by no courts other than those designated by law, the grant of right of habeas corpus, and the prohibition of *ex post facto* laws, are clearly provided. Freedom of religion and conscience, freedom of expression of personal ideas in words, print, letters, pictures and sculpture (within limits prescribed for the defence of the state and morals), secrecy of communication, the right of petition and complaint, the right to move and change domicile (within limits prescribed for public health), the right of assembly, association and striking, and choice of occupation (within limits prescribed for public safety), are all guaranteed. Science, art and the teaching thereof are free in Esthonia. Compulsory and free education in elementary schools is guaranteed, minorities being assured education in their mother tongue. The constitution thus sweepingly guarantees liberties which would never have been thought of during the Czarist régime, and sets much more stringent limits on legal curtailment of such rights than is usual in present-day constitutions. Thus the limitations imposed by national defence, public morals, health, or safety are specific constitutional limitations, and not such as might subsequently be laid down by law. In Esthonia, any diminution of popular rights must fall expressly within such categories in order to be legally valid. However, "creed and outlook" are no justification in the eye of the authorities for the commission of any offense or the avoidance of the duties of citizenship. It will be noticed that here it is not so much the conscientious objector or the fugitive from military duty who is aimed at, as the communist agitator unwilling to accept the principle of majority rule laid down by a bourgeois government.

In place of devoting a special section to them, as is the case in other constitutions, such as that of Czechoslovakia, the Esthonian bill of rights includes the rights of minorities. By Article 21 it is provided that the members of minority nation-

¹⁸ Piip, *loc. cit.*, "It is interesting to note that despite this provision many laws exist which protect the women in industry, thereby discriminating favorably as against men."

alities within the confines of Esthonia may form corresponding autonomous institutions for the promotion of the interests of their national culture and welfare, insofar as these do not run contrary to the interests of the state. German, Russian and Swedish nationalities are recognized as such minorities. The willingness of a thoroughly democratic régime to extend this cultural protection is most noteworthy. It recognizes that the sole way to disarm minor nationalities and not make them irreconcilable adversaries of an existing political régime is to grant them the maximum cultural autonomies compatible with the existence of the state. It will be recalled that, in order to survive, the government of the Union of Socialist Soviet Republics found it necessary to make the same concessions in the wide regions embraced within its domain. In so doing, the Russian régime, which began by the repudiation of nationalism and the proclamation of class dictatorship, was forced to recognize its mistake and capitulate to the intangible, but none the less politically powerful, factor of nationality. For Esthonia, on the other hand, the concession of complete racial autonomy has been a logical consequence of democratic doctrine, as well as an imperative necessity for the maintenance of the political control of the state. In order to compete, for instance, with the allurements of cultural autonomy under a soviet régime, the Esthonian government must needs offer minorities all that Russia conceded, plus the guarantees of a régime of law and orderly development, individual safeguards and the recognition of private property.

Pending the full elaboration by law of the safeguards thus provided,¹⁹ Esthonia was more than willing to accept the guarantees demanded by the League of Nations for the rights of minorities. Peculiarly enough, here, in the matter of the rights

¹⁹ Cf. Piip, *loc. cit.*, pp. 7-8: "A special law on the autonomy of nationalities is now (January, 1925) under discussion in parliament, and its passage will be effected in the very near future. Besides, the Esthonian government has given a pledge to the League of Nations to protect the national minorities. The situation of Esthonian minorities, according to the constitutional law and international guarantees, is considered to be absolutely satisfactory, evoking no trouble." The law was passed February 5, 1925, and became effective in October.

of small nationalities, the League of Nations and the Union of Socialist Soviet Republics, usually at opposite political poles on all questions, are in particular accord. It is interesting to note how both these great organizations have been driven, from utterly different reasons, to devote an important share of their attention to the settlement of questions of racial and national minorities in the areas under their respective jurisdictions.

The economic provisions of the bill of rights are much briefer than those of the German constitution or the constitution of Austria, first, because the Esthonian government was in no position to risk social experimentation, and, second, because the wave of economic innovation that passed over Europe in 1919 had well-nigh spent itself when the Esthonian constitution was drafted. The right of private property is guaranteed, and property can only be expropriated "in the common interest in accordance with the corresponding laws and in the ways foreseen in the laws." It is thus that the constitution reconciles the principle of private property with the basic agrarian reform. Nothing in its provisions was to be construed to alter that fundamental measure. Thus the conceptions of "the common interest" and the program of annual expropriations "foreseen" in the Strandman law were invoked constitutionally to guarantee the reform. The further program of economic reform outlined in the constitution is such as to prescribe that the organization of Esthonian economic life shall correspond with the principles of justice, "the object of which is the securing of conditions of living worthy of human beings by corresponding laws relating to the acquiring of land for cultivation and a home, and the obtaining of employment, as well as the necessary support for the protection of maternity, labor, youth, old age, disability, and in cases of accident." This is a blanket program, and, as the preamble appropriately puts it, "a pledge for the social progress and general welfare of present and future generations," rather than a statement of an actual accomplishment. There the economic provisions of the constitution end, but they hold up a high ideal to the oncoming statesmen of Esthonia, and embody a high degree of consciousness of social responsibility for human and national well-being.

The third principal division of the constitution²⁰ is devoted to the people, who are regarded as the supreme executors of state power "through the medium of the citizens having the right to vote." All persons over twenty years of age who have been citizens for a year are voters. Naturally, defectives, dependents and certain criminals are debarred from participation in elections. The people exercise their authority in three ways, (a) through plebiscite, (b) by legislative initiative, and (c) by electing the Riigikogu, or state assembly. At the request of one-third the members of the state assembly, legislation may be deferred from going into force for a period of two months. If, within this period, 25,000 enfranchised citizens or approximately 5 to 6 per cent. of the electorate, request a plebiscite on its adoption, promulgation or non-promulgation is made dependent on the outcome of the plebiscite. Likewise, legislative initiative requires the signature of 25,000 qualified voters to an elaborated draft submitted to the state assembly and involving either the passage of a new law, the amendment of an existing one or its utter repeal. If passed in such form, the act becomes valid at once, but in case of rejection by the state assembly, it is submitted, as are referenda, to a plebiscite.

Plebiscites are conducted under the auspices of the presidium of the state assembly, and may refer to ordinary legislation, or to constitutional amendments, whether these emanate from the people or the state assembly, save that a three months' notice must be given the electorate before passing on constitutional projects.²¹ Budgets, the raising of loans, income tax laws, the declaration of war and the making of peace, the declaration of a state of defence and its termination, mobilization and demobilization as well as treaties with foreign states are not subject to plebiscite and cannot be decided thereby. The unpopular nature of burdensome financial measures can well be understood as a sufficient reason for avoiding their submission to the electorate, while the exposed position of the country, near a great military power, would afford a sufficient reason for exempting defence operations from popular control. But, un-

²⁰ Articles 27-34.

²¹ Section 10, especially Article 89.

less it were a case affecting a purely defensive war, it is difficult to see why, in so democratic a country, decisions on peace and war as well as on international treaties, should not be laid before the people. With Switzerland as an example in the matter of treaties, it is interesting to note these limitations on the general doctrine of the ability of the people to decide fully on all matters. Apparently the delays involved in a plebiscite, the possible treachery of a powerful neighbor and the exhausted economic condition of the country did not permit the application of the democratic dogma *a l'outrance*.

The implications of the democratic doctrine, insofar as accepted in the matter of plebiscites, are most interesting. According to Article 32, "If the people reject a law passed by the state assembly, or accept a law rejected by the assembly, new elections of the state assembly will be proclaimed, these elections to take place not later than 75 days after the plebiscite." The practical reason for so far-reaching a project would appear to have been the desire to avoid a clash between the legislative body and the people, particularly as no independent executive exists as arbiter of the difficulty.²² In Esthonia, in any conflict between the people and the state assembly, the people must prevail. In the words of a British critic:

If non-promulgation is voted, a vote of no confidence is thus carried in the electoral body against the assembly, which is *ipso facto* dissolved. If a draft petition is rejected by the state assembly, it is submitted to plebiscite and if it is carried, again the assembly is dissolved. It is thus the duty of the assembly, when the draft comes before it, to gauge the popular feeling and act in accordance with

²² The nearest provision to this in the post war constitutions is to be found in Article 43 of the German constitution providing for the recall of the Reichspräsident. The Reichstag having determined upon the suspension of the president from office, the plebiscite held on the question of recall is tantamount to demanding a popular judgement on the merits of the case. In case the people uphold the president, their will clashes with that of the Reichstag, and the Reichstag must go—hence the president is regarded as reelected, and the Reichstag as dissolved. Cf. *New Governments of Central Europe*, p. 59.

it. If, having gauged it, the assembly defies it, or if the assembly gauges it wrongly, the assembly is judged the unworthy instrument of the popular will and dissolution is justified. Dissolution is thus parallel to the government's compulsory resignation after a vote of no confidence has been passed, and the control of the assembly by the people is analogous to the control of the government by the assembly.²³

In actual practice, one plebiscite has been held, resulting in the upholding of a law which the assembly had rejected, and involving the election of a new state assembly.²⁴ The fear that the initiative and referendum would be used for rash purposes, and that revolution would be able in Esthonia "to assume the garb not of the torch-carrying spirit of anarchy but of the strictest constitutionalism"²⁵ has proved utterly without foundation, and seven years of actual working of the Esthonian constitution have given evidence of an absence of desire for constitutional revision.²⁶

The fourth and fifth sections of the constitution²⁷ deal respectively with the state assembly and the government. The state assembly, as the representative of the people, exercises the legislative power. Herein the body differs from the constituent assembly, which virtually monopolized political authority, and exercised both legislative and executive powers. The new legislative organ is composed of one hundred members elected by universal, equal, direct and secret suffrage on the principle of proportional representation. This number was purely provisional, as the subsequent assemblies are permitted if necessary to augment it, though none have actually done so. In view of Esthonia's precarious condition financially at the time of constitution-making, it was deemed best not to incur greater legislative expenditure than necessary, and the number was reduced accordingly.

²³ Clark, R. T., *loc. cit.*, p. 249.

²⁴ Piip, *op. cit.*, p. 8.

²⁵ Clark, R. T., *The New Europe* (August 12, 1920), Vol. XVI, p. 108.

²⁶ Piip, *loc. cit.*, p. 12.

²⁷ Articles 35-56, 57-67.

The position of member of the assembly was opened to all legitimately entitled to vote, but no office holders other than the cabinet members were to be permitted to hold seats in the assembly. The four-year term proposed in the first draft was abandoned and a three-year term substituted, making the state assembly in this respect closely resemble the Swiss National Council. At least one annual session, on the first Monday in October, is required by the constitution. The assembly is given full internal autonomy, and its procedure is to be elaborated in a standing order having the force and the form of law. For legally valid decisions, an absolute majority of the members is required. Sessions are public unless two-thirds of the members demand a secret session. The usual parliamentary immunities are accorded members, and the constitution omits any mention of the civil or criminal liability of members,²⁸ previously discussed, though members of the assembly are exempted from service with the defence forces. Their salaries and traveling expenses are fixed by law.

The officers of the state assembly collectively constitute the presidium, which is intrusted with the promulgating of the laws, hereby withdrawing from the Esthonian supreme court one of the functions intrusted to it under the law of October 21, 1919. Laws become operative ten days after their publication in the *State Gazette*. The jurisdiction and competence of the state assembly are succinctly stated as embracing the passing of laws, the fixing of the budget, of state revenue and expenditure, the issue of domestic, or the contracting of foreign, loans "and other matters," including the ratification of treaties, on the basis of the constitution. It is given the power of audit over all governmental departments and state institutions and over the general

²⁸ Evidently the previous law still remains in force. "The members of the state assembly are not immune. They can be brought up for trial, but they cannot be arrested without permission of the state assembly except in cases where they are detained *flagrante delicto*. The state assembly has the right to postpone the imprisonment or other punishment of any of its members until vacation or new elections. If the state assembly does not give such postponement, the member is left under arrest or in prison, and in such case he automatically loses his membership. The next candidate from the corresponding list will be called to take the seat in the state assembly." Piip, *op. cit.*, p. 9.

administration of the budget. It can thus exercise several administrative functions which are not, properly speaking, to be included in legislative activity. Finally, members of the assembly are guaranteed the right to put questions to members of the government at the sittings of the assembly. Questioning the ministers is not tantamount to interpellation; this requires a demand on the part of twenty-five members of the assembly for immediate explanation, which cannot be refused.

The government, or ministry, "executes the governing power in Esthonia." It is composed of the state head (called the Riigiwanem) and an indeterminate number of ministers, to be fixed by law. The present ministry contains ten members, though there are only nine executive departments. It is the state assembly, in legal theory, which chooses the ministry, and not the caucuses of the political party groups. It is likewise the assembly that accepts the government's resignation. "It appoints each minister separately and accepts each resignation separately. There is no cabinet responsibility provided for in the constitution, but in practice a vote of confidence or non-confidence is expressed as to the whole government."²⁹ In the case of individual resignations, a member of the government is designated by the ministry to take over the duties of the vacant post till a new minister is appointed.

The ministry is intrusted with the usual duties of directing domestic and foreign policy, attending to the internal and external security and the observance of the laws. More specifically, the budget and finance, the appointment and dismissal of military and civil officials, the declaring of war and the conclusion of peace. In accordance with the assembly's decisions, the negotiating of treaties with foreign countries, the proclamation of the state of siege, the drafting of bills, the issuing of executive orders and regulations, and the granting of clemency are imposed upon the government as its principal duties.

The state head acts as premier, presides over cabinet meetings, which, except on special solemn occasions, must be secret, interrogates ministers and endeavors to lead, unify and correlate the activities of the ministry. In his absence some other member

²⁹ Piip, *op. cit.*, p. 9.

of the government may be deputed to fill his place. Thus far this unique position is merely that of a prime minister. In addition, however, he acts, as his title implies, as chief of state, or president of the republic, during his tenure of office, and actually appoints the members of his cabinet, much as does the president of the United States. Although the constitution does not expressly grant to the president-premier functions that are his by virtue of his headship of the state, all the attributes usually accorded to the chief executive by international usage belong to the Riigiwanem.

The peculiar position of the Riigiwanem has been the subject of much controversy, both theoretically and in its practical working. The present provision of the constitution was carried through the constituent assembly by only a small majority, the draft constitution having sought, as has already been noted, to create a presidency on the Finnish model. The principal reason for the abolition of the proposed presidential office was one of economy, according to a prominent Esthonian politician.³⁰ In a time of need for cautious expenditure, the creation of a titular executive who would in reality be impotent was deemed a superfluity.

But, in addition, from a standpoint of both constitutional law and political theory, there are not lacking excellent justifications for the existing arrangement. The state head is a man of power, with all the force of the government behind him. He

³⁰ In a private memorandum one of the outstanding leaders in the formation of the Esthonian state writes of the constitution: "The most interesting feature of this act of our constitutional assembly is, in my opinion, the way in which we solved the difficult problem of the head of the state. I think this solution is unique in history, as we have a parliamentary government without president. This form was adopted after very long debates in the commissions and in the assembly but it remains for authorities on constitutional law to discuss whether it is theoretically correct. For us in the assembly it was not a question of theory but a very practical one—to save expenses for the treasury of our little republic. I am sure that all other reasons (possible autocratic tendencies of future presidents, etc.), played a much smaller rôle in this decision. In any case, the system has to date shown no inconveniences and is working quite smoothly. . . . Our neighbors the Letts are taking just the opposite way and model their constitution on the principles of the United States with great powers given to the president."

is not aloof from politics, but in the very arena of political strife. He is not removed from the parliament, and left to dissipate his authority in various ways; instead, he is the vigorous representation of the nation's political leadership, sobered by the sense of additional responsibility. The position is also one which does away with the possibility of a political deadlock between the executive and the legislature, of the type that has so frequently rendered an American president impotent. There can be no clash between parliament and the executive, such as has resulted more than once in the resignation of even so impotent a figure as the president of France. Esthonia, looking to Switzerland for her models in fashioning most of her institutions, copied the presiding officer of the Swiss Federal Council and gave him that ability, power and stability which has accrued to the office. Esthonia went still further and placed upon the state head, as premier, the responsibility for the duration of his own tenure—a device which, under constitutional government, should conduce to sobriety and action in accordance with the people's will. There is no rapid termination of the executive's tenure by the short term of one year, as in Switzerland, neither does a presiding officer remain in office long after the political forces which placed him there have spent themselves, as in France and America. The Riigiwanem, under the terms of the Esthonian constitution, is the epitome of power, representativeness and responsibility.

Viewed in its wider implications, in relation to the theory of a direct democracy, the position acquires a new meaning and significance. To quote once more from a British critic:

It is the whole people, not merely the electoral body, which is merely the medium of expression . . . (which is) the supreme executor of state power. The Riigiwanem is premier, but not president, because the electoral body is really the president. It chooses as instrument the assembly, which for its instrument chooses the government. In practice the executive power is exercised by the government, whose head discharges presidential functions. . . . In this very simple control system a president is out of place. To

fit him into the system would require a further elaboration which, by confusing the ordinary citizen, would weaken his actual grip on legislation, and a president is therefore dispensed with, his routine duties being part of the heavy burdens borne by the Riigiwanem.³¹

The sixth section of the constitution deals with the judiciary.³² According to its provisions, the courts of justice are independent in their activities. At the apex of the judicial system is the "State Court of Justice" formed of judges elected by the state assembly. Judges of the lower courts who are not otherwise elected, as, for instance, by local government bodies, are appointed by the highest court. Judges can be dismissed only by the court, and cannot be replaced except according to the rules laid down by law. Extraordinary courts are allowed only during war-time, or during a state of defence and upon warships. Apart from these brief provisions, the constitution leaves the judicial system to be elaborated by law as the legislatures deem fit.

Likewise the constitution touches very briefly on the matter of local government. Local self-government bodies are endowed with considerable power, being permitted to exercise authority which has not been given other special institutions created by law. The constitution guarantees that such local government bodies shall be based on as democratic a franchise as the state assembly itself, in order to make no discrimination between the degrees of authority possessed by the different legislative institutions of the country. Barring this provision and the stipulation that the local bodies are assured powers of raising and disbursing revenue for their needs, the constitution leaves to statutory elaboration the entire scheme of municipal, cantonal and district government.³³ In practice the local government bodies act as the representatives of the central government, and their power is restricted only by definite terms of law. Where no legal restrictions exist on their authority, local government

³¹ Clark, R. T., "The Constitution of Esthonia," *Journal of Comparative Legislation and International Law*, 3rd Series, Vol. III, pp. 248-249.

³² Articles 68-74.

³³ Articles 75-77.

bodies are entitled to take any measures deemed necessary for the welfare of their particular areas.

Such is the constitution of 1920. It represents the mature deliberation of a people staunchly devoted to the cause of democracy and impelled to the creation of a régime of social and political liberty by every tradition of a somber past. In the opinion of their leaders, Bolshevism could be combatted successfully by better means than force of arms and bloody intervention or the economic exhaustion of a war-wearied nation. They held it to be Esthonia's task, by the creation of free institutions on the ruins of a régime of cumulative repression, to become a peaceful example for her revolutionary neighbor and her democratic sister states of what a realistic people, suffering from no illusions but soberly believing in the principles of democratic government, can accomplish under political liberty, constitutional government and economic and social order.

CONTEMPORARY POLITICAL DEVELOPMENTS IN ESTHONIA

It will be recalled that on the convening of the constituent assembly Esthonia formed her first constitutional ministry of Social Democrats, Laborites and National Democrats under the leadership of Otto Strandman—a government thoroughly in keeping with the mood of the nation as revealed in the constituent elections. This coalition gave the country its provisional constitution and piloted Esthonia through the summer of 1919 until the resignation of Poska, which deprived the cabinet of the support of the National Democrats. Strandman forthwith reorganized his ministry without them by giving the Laborites greater representation and replacing Poska by Piip. When, after the passage of the agrarian reform law, it became necessary to undertake negotiations with Russia, Strandman, fully realizing the delicacy of the situation and the undesirable effect of any internal dissent, decided to create a united front, representing in the cabinet all the parties in the constituent assembly. To accomplish this required astuter leadership, and in November Strandman made way voluntarily for a broader coalition government headed by Jaan Tõnisson. This cabinet, whose

principal achievements were the Peace of Tartu and the framing of the permanent constitution, was replaced on October 26, 1920, by a new ministry headed by Antonius Piip, and composed entirely of representatives of the Labor Party. The chief task of this government was to abolish war-time restrictions on private trade and civic liberties. This the cabinet succeeded in effecting. While not itself commanding a majority in the constituent assembly, it was a cabinet of moderates which commanded the confidence of the body and could be trusted to conduct without official pressure the elections for the first state assembly. This was its second and equally successful accomplishment.

With the convening of the first legislative body and in view of the party changes revealed in the elections, the time appeared propitious for a political reorientation. Thus the Piip ministry, which, from an international standpoint, had covered a period of exceptional difficulties, gave way, almost coincidentally with the final achievement of political recognition, to a new coalition formed on January 25, 1921. For the first time since the formation of the Strandman cabinet in the spring of 1919 the new coalition contained the Agrarians. Their reentry into office was marked by the selection of Paets as premier and Riigiwanem, Piip returning to the foreign office to continue the policies which had been successful in bringing about allied recognition. The ministry was supported in the state assembly by the Laborites, the Populists, the lineal successors to the National Democrats, the Agrarians and the Christian Democrats—the Christian Party under a new caption—who now entered into the government for the first time and secured as their reward the post of public instruction.

It was the primary intent of the leaders of the coalition thus formed to proceed with internal reconstruction, the carrying out of the agrarian reform and the improvement of public education, without raising the issue of religious instruction in the public schools. But eventually the Christian Democratic leaders broke the party truce by bringing forward a project for religious instruction at state expense in the public schools. In the face of this breach of the party coalition, Paets resigned, and Jaan Kukk, a prominent Labor Party leader, reformed the coalition without the Christian Democrats. When these insisted on

pressing the enactment of their favorite measure, the state assembly, with the aid of the Left parties, promptly rejected the bill. Forthwith the Christian Democrats demanded a plebiscite, which was held on February 17-19, 1923. To the surprise and discomfiture of both the government and the assembly, the bill was passed, thus entailing the dissolution of the legislature.

The ensuing elections revealed two outstanding things: first, the growing conservatism of the country, and second, the gradual break-up of the middle parties, which had originally been represented by the Populists and the Labor Party, and their partial replacement by various small parties representing the new home-steaders, small landowners, the large landed proprietors, the ex-service men, and a new Hitlerite group of so-called National Liberals, sometimes referred to as the Esthonian Fascisti—all the evil products of this diaspora of the bourgeoisie into small and impotent groups and the use of proportional representation. This unfortunate process of political disintegration accelerated, if not actually produced, by the electoral system, reduced the rump of the Populists to a position of innocuous desuetude. Even the Communist Party received greater representation than they.

As soon as the new assembly met, the Kukk ministry retired to make way for a new coalition, again under Paets, in which the Agrarians took the leading part. This new grouping weathered the rest of 1923 but lost the confidence of the assembly at the beginning of 1924 through a disagreement between the Agrarians and the Labor Party on financial policy—an estrangement aggravated by the political and financial repercussions of a bad harvest and a depreciating currency. Under the circumstances the Agrarians went over to the opposition and the Christian Democrats, under Dr. Friedrich Akel, formed a new bourgeois coalition excluding the minor parties, the racial minorities and the Agrarians, as well as all the Left parties. Forthwith they undertook the thankless task of financial reconstruction and the return to a gold basis for Esthonia's currency system.

This minority ministry, tolerated by all, but not commanding an effective political base, conducted affairs until December, 1924, when a communist revolt, imported from Russia and engineered, as is true of all Esthonian communism, from Moscow,

awakened in all parties a new consciousness of the need of solidarity. This brought about a concentration cabinet under the leadership of Jüri Jaakson, containing representatives of, and supported by, all the major parties, the Agrarians, the Populists, the Christian Democrats, the Labor Party and the Social Democrats. In such a coalition the national consensus of opinion repudiated all association with violence and social revolution and demonstrated once more the solidity of Esthonian democracy and the definite commitment of the country to lawful and orderly processes of government.

The achievements of Jaakson's coalition were not particularly outstanding, save for the enactment of a law disestablishing and disendowing all religious bodies in Esthonia, at the same time permitting them freely to incorporate and carry on their spiritual tasks. With the passage of this law it was taken for granted that a purely religious party, such as the Christian Democratic group in the state assembly, had been repudiated. Religious issues having been disposed of, the large coalition presently began to prove unwieldy and in December, 1925, it broke up, due to bickerings between the Agrarians and the Social Democrats. As elections were now in the offing, electoral activity and partizan combinations became the order of the day. It appeared undesirable to establish in office a purely electoral cabinet. For this reason Teemant, an Agrarian leader, formed a coalition cabinet which excluded both the dissident factions but took into office for the first time the newly formed group of new farmers and demobilized soldiers—the first-fruits, politically, of the Strandman law. The new group, while thoroughly anti-communist, represented a much more liberal tendency in politics than the Agrarians proper. The Labor and Christian Democratic parties furnished the backbone of Teemant's parliamentary support.

Under such auspices the elections to the third state assembly were held in May, 1926, with surprisingly interesting results. Four of the principal parties, the Social Democrats, Laborites, Agrarians and Populists remained practically unchanged, while the extremists at both ends of the political scale lost heavily. The so-called National Liberals, really Fascist in character, were

wiped out and the Christian Democrats lost heavily. On the Left, the Communists lost almost half their seats, while the Russian and German minorities lost a seat apiece. Naturally, the Center groups were the beneficiaries, but as the Laborite and Populist groups made no gain, the advantage fell to the New Farmers—now organized as a definite political party—who nearly quadrupled their representation. Herein the shrewdness of Teemant was vindicated and his coalition amply repaid. Forthwith Teemant recast his cabinet and strengthened the New Farmer elements in it. The principal significance of the elections was the vindication of the middle-of-the-road policy of both Jaakson and Teemant, the elimination of subversive elements on both the Right and the Left, and the gratifying evidence of the integration of the new landed middle class—despite proportional representation—into a substantial party capable of giving healthy, liberal stability to the country.

TABLE TO ILLUSTRATE THE ESTHONIAN PARLIAMENTARY
ELECTIONS OF 1920, 1923 AND 1926

PARTIES:	<i>Election of 1920</i>	<i>Election of 1923</i>	<i>Election of 1926</i>
Communists	5	10	6
Independent Socialists	11	5	4
Social Democrats	18	15	20
Total for the Left ..	34	30	30
Labor Party	22	12	13
Populists	10	8	8
New Farmers .....	..	4	14
Small Landowners ...	..	1	..
National Liberals ....	..	4	..
Ex-service Men .....	..	1	..
Total for the Center	32	30	35
Christian Democrats .	7	8	5
Landowners	1	2	2
Agrarians	21	23	23
Total for the Right	29	33	30
Russians	1	4	3
Germans	4	3	2
Total for Minorities	5	7	5
GRAND TOTAL	100	100	100

Figures taken from official memorandum on elections of 1920 and 1923; those for 1926 from the *Gazette de Prague*, 7th Year, No. 41, May 26, 1926.

Today, in Esthonia, communism is a voice crying in the wilderness. Always a Russian movement, inspired by Moscow and following its doctrinaire ideology, it has failed to impress itself on the Esthonian national mind because of the national resistance to things Russian, because of the existence of democratic institutions and above all, because of the intense sense of acquisitiveness on the part of a peasantry just emerging into a self-reliant, independent, self-made, small landowning class. Whatever hopes the communist movement had after the debacles of 1917 and 1918 were finally and forever frustrated by the Strandman agrarian law. It might have made a successful appeal to a landless peasantry; its inducements are insignificant to the new homesteading, landowning classes.

After the Treaty of Tartu, most of the communist leaders returned to Russia in the hope of finding greater success there for their doctrines. In Esthonia the Social Revolutionaries and Social Democrats of extremist tendencies continued to oscillate between democracy and proletarianism. To put an end to their vacillations, the leaders of the Third International prescribed twenty-one conditions for their acceptance into the communist fold. The parties refused to accept the conditions *in toto*, but a majority went over to the ranks of the defenders of sovietism. The rump of those who had been in the minority now comprises the Independent Socialist Party, but is weak by reason of its inherent indecision. If, eventually, it purges itself of its communist elements, a reunion with the Social Democrats may be expected.

The Social Democrats, as has already been noted, played their important rôle in the struggle for independence and in the constructive achievements of the constituent assembly. At the elections to the first state assembly partly through the division of the votes among Communists, Independent Socialists and Social Democrats, their contingent was reduced by half, and they lost a fifth more of their strength at the elections of 1923, although making a partial recovery in 1926. Today, after sharing the responsibilities of power in the Jaakson cabinet, they are still strong supporters of moderate socialism and direct democracy, and adherents to the evolutionary methods of the Sec-

and International, although they are decried as "social patriots" by their more revolutionary brethren.

A short survey of the evolution of the different political groups from the beginning of the independence movement to the present time reveals the fact that the Labor Party has been the backbone of all the governmental coalitions, and the sheet-anchor of national stability, having produced an extraordinary number of the leaders in the independence movement. In the first period of national reconstruction, during the constituent assembly, it was the coalition of the Labor Party, the National Democrats and the Social Democrats that brought about the fundamental reforms, the agrarian law and the enactment of the temporary and permanent constitutions. Later it was a Labor cabinet that brought the constitution into effect.

With the entry into force of the new charter, the nation acknowledged that the major, basic questions had been decided, and settled back to an agrarian and religious conservatism. In an agricultural country like Esthonia it is altogether probable that the questions relating to the administration of the land reform and the improvement of agricultural, financial and marketing conditions, in all of which the new farming classes have a profound interest, will play a primary rôle during the next two or three decades. Meanwhile it would appear that the conservative elements—no longer the dominant Baltic barons but the newer industrialists, the commercial classes, the religious and agricultural conservatives of moderate affluence and cautious temperament—will play the important, though not a dominating, rôle as stabilizers of the social, moral and intellectual life of the nation. The Labor Party, somewhat like its French analogue, the Radical Socialist Party, is on the decline. It has lost in numbers, as have the Populists through the break-up of the bourgeois bloc. No longer has the Labor Party the great principles to contribute to the reconstruction of the life of the nation; these have already been written into the fundamental law and become a part of the political mentality and endowment of the nation. The Populists, being principally a group of bourgeois intellectuals, have likewise spent their force and lost heavily to the Agrarians as economic issues have come into the

foreground and more and more dominated the political life of the country.

As a consequence of the application of the agrarian laws, the center of political authority is tending to fall into the hands of the rapidly increasing Agrarian group, with whom, save in matters of faith, the Christian Democrats are in hearty accord. In Esthonia, fortunately, there are no real reactionaries. For this reason her national life, safeguarded by the adequate representation of racial minorities, is spared the rigors of a clash of strongly organized and powerful extremes. For Esthonia the true course of political conduct, and the one she is instinctively following, is a middle-of-the-road one, based upon a common consensus of opinion on the part of a broad coalition of parties, much like that obtaining in Czechoslovakia.

All told, the general post-constitutional history of Esthonia contains little that is spectacular, but much that is a proof of the vitality and earnestness of the nation. Having ordered her affairs with her neighbors, Esthonia has been left to perfect her internal organization, develop her educational system and carry into effect, without undue economic dislocation, the agrarian reforms which are essential to her social well-being. To rebuild the material wreckage of her resources, after the ravaging effects of long-continued military operations, has been a difficult task, and Esthonia has proceeded cautiously but steadily in the work of economic reconstruction. While developing her natural resources, principally oil-bearing shales, she has continually augmented her agricultural production.

In the financial field the long delay in obtaining international recognition severely hampered the forming of permanent financial contacts. But since 1922 Esthonia has managed successfully to establish and maintain a balanced budget and inaugurate a new monetary unit, the kroon, on a substantial basis and with an ample gold coverage. The obstacles to financial recovery have been many, not the least of which has been the lack of capital, due to the destruction of previously accumulated resources by both war and revolution, to the removal of bank deposits and machinery to Russia and Germany, and lastly, to the collapse of both German Ostmarks and Russian rubles held by

the populace. Notwithstanding all this, Esthonia is likely to come to the fore as a transit country in the future and to serve permanently as an important entrepôt between Russia and the outside world.

In her contacts with foreign nations, Esthonia has gained their commerce and their friendship. It has been only Soviet Russia from which she has had anything to fear, and this not from the government as such, but from its inseparable accompaniment, the Third International and its emissaries. But Esthonia has proved barren and stony ground for the seed-sowers of Bolshevism.

This, then, is the new Baltic democracy. Her institutions have been carefully and discriminatingly chosen and copied from the purest and oldest of the continental democracies, adapting the institutions of the Helvetic Confederation to the needs of an agrarian and sea-faring people. Thereby she has intrenched herself behind the bastions of democracy.

NOTE ON THE RECOGNITION OF ESTHONIA: The main lines of diplomatic policy conditioning the recognition of the Esthonian republic have been traced in the preceding pages. Apart from the allied Powers, the rest of the European governments appear to have had little hesitation in according *de facto* recognition to Esthonia, particularly after the establishment of the constituent assembly. France was the first to accord recognition *de facto*, on March 1, 1918, being followed on March 20, 1918, by Great Britain, and by Italy on May 29, 1918. (*Pour l'Esthonie*, 16, 34) *De facto* recognitions continued sporadically throughout 1919, Japan extending its recognition on March 15, 1919, followed by the Holy See on April 11, 1919 (*Memoire*, 62, 63); by Finland on July 20, 1919 (*Esthonian Review*, No. 13, p. 4); by the "Northwest Government of Russia" on August 11, 1919 (*Bulletin de l'Esthonie*, No. 5, p. 30); by Germany on August 14, 1919 (*ibid.*, No. 2, p. 16); by Italy, *de jure*, on February 19, 1920, Russia having recognized Esthonia *de jure* in the Treaty of Tartu on February 2, 1920. Finland gave her *de jure* recognition on June 7, 1920, while Holland accorded *de facto* recognition on June 16, 1920 (*ibid.*, No. 10, p. 43; No. 13, p. 14). It was announced by the rapporteur of the fifth commission of the first Assembly of the League of Nations that by December, 1920, Esthonia had been recognized *de jure* only by Finland and Russia, and *de facto* by Germany, Belgium, Denmark, France, Great Britain, Italy, Japan, Poland, the Netherlands and Sweden (*ibid.*, No. 14, p. 38). At the beginning of 1921 the Argentine accorded *de jure* recognition, January 10, 1921, followed by the Supreme Council on January 26, 1921, whereupon *de jure* recognition was extended by Denmark, Hungary, Norway, Poland, Portugal and Sweden (*ibid.*, No. 15, pp. 11-12). Switzerland, lagging somewhat behind, accorded *de jure* recog-

nition on April 22, 1921 (*ibid.*, No. 16, p. 20). It was left for the United States, after a delay of well over a year following the change of administration and the abandonment of Wilsonian policies of *de jure* recognition, to accord *de jure* recognition on July 27, 1922 (Official pamphlet on the Republic of Esthonia, p. 22). In the instance of Esthonia, as in the case of the other border states, a noticeable reluctance to precede the Great Powers was evidenced by most of the European states. Argentina's action seems to have been a premeditated slap at the action of the first Assembly of the League of Nations in rejecting Argentine doctrines as to membership in the community and society of nations.

NOTE ON ESTHONIA'S ATTITUDE TOWARD NEUTRALIZATION: It is characteristic of the epoch in which Esthonia started out on her quest for independence and recognition, that little attention had then been paid to the consequences of the creation of a League of Nations in regard to the status of neutrality. The first instinct of Esthonia in 1917-18, on separating from Russia, was to maintain an attitude of neutrality, in the original Grotian sense of a *medius in bello*. For that reason the program of action outlined by the Committee of Elders on February 24, 1918, demanded the international guarantee of Esthonian neutrality (*Mémoire*, 26; *Pour l'Esthonia*, 11, 15) or of its independence. (Such was the statement of Tõnisson to the Powers on February 4, 1918.) In the proclamation of February 24, 1918, issued by the Committee of Elders the desire of Esthonia to maintain "an absolute neutrality" was put forward (*Pour l'Esthonia*, 18; *Mémoire*, 41). In the memoranda forwarded to Great Britain and France on behalf of the provisional government in the spring of 1918, the point was adroitly put. Recognition of independence was asked, but not of neutrality as regards the German forces or the Bolshevik government. Great Britain was besought to admit Esthonia to the peace conference "so as to be able to defend her interests and introduce the question of Esthonian perpetual neutrality and its international guarantees" (*Mémoire*, 46), while France was requested to do likewise in order that the Esthonian representatives might "submit to the conference a project relative to the recognition by the Powers of the neutrality of the Esthonian Republic and to the international guarantees of this neutrality" (*Mémoire*, 49). Here there is evidence that Esthonia was endeavoring to follow Swiss tradition and regard neutrality as a policy to be chosen at will by the nation, and recognized appropriately by foreign powers. It is to be noted that in the *Memorandum on the Legal Claims of Esthonia*, M. Piip sedulously omitted all references to neutrality of either an optional or conventional character (*Mémoire*, 64-9) but emphasized the right of Esthonia to fight with all belligerent rights and full jurisdiction over her armed forces. The reason for this omission was that the policy of neutrality was, in his opinion, no longer a practical necessity as the League of Nations was intended to guarantee the integrity of all nations. His justification of the neutrality clauses of the Treaty of Tartu was that they demonstrated the peaceful character of Esthonian foreign policy and the readiness of Esthonia to be neutralized if proper international guarantees were forthcoming. To him, the willingness of the soviet government to guarantee such a status to Esthonia was a first step in the direction of stabilizing Esthonia's political position. Such was the presentation of

Esthonia's case to the allied governments. To the Russian government Esthonia apparently represented herself as wholly desirous of maintaining neutrality (Message to the Commissaries of the Russian People, May 7, 1918, *Pour l'Esthonie*, 27, 37, 40), even as she affected to present herself as a neutral country under military occupation during 1918, in her protests to the German political authorities. The position stated to the allied governments was reiterated in Caro, J., *Esthonia, Her Claim for Independence*, p. 7, and made even stronger in the introduction to the brochure *Pour l'Esthonie*, where the Esthonian delegation (still the Scandinavian contingent—Tönnisson, Martna and Menning) declared the fundamental principle of their policy to be "the neutrality of the Esthonian Republic towards all states" and "the recognition and guarantee of this neutrality by all the powers" (p. 8). Such, in their opinion, was a policy to be carried out by a régime of free trade as regards international commerce and by a democratic constitution affording the utmost concession and tolerance towards national minorities. This was the extreme application of the ideas of neutrality and neutralization.

In actual practice, Esthonia, as has been noted above, portrayed her desires to Russia as those for neutralization, and accordingly the principle was incorporated in the Treaty of Tartu, Articles 5-6 (L.N.T.S., XI, 57) and in the Treaty of Moscow of November 25, 1921, between Esthonia and the Ukrainian Socialist Soviet Republic, which stipulated that in case the perpetual neutrality (French text reads simply "neutralité," as apparently is the case with the Ukrainian, Esthonian and Russian texts) of Esthonia should receive international recognition, the Ukraine undertook to recognize the fact (the French text reads "engage de son cote a respecter cette neutralité") and to guarantee its observance (French text reads "participer aux mesures destinées a la garantir") (L.N.T.S. XI, 124, 131, 136). It is significant that Esthonia should have undertaken this stipulation after her entrance into the League of Nations. It would appear, however, as if propriety demanded that such an article be included in a treaty with the Ukraine if it was included in the Treaty of Tartu. But Esthonia, in making application for admission into the League of Nations, made no plea for such a special status as Switzerland safeguarded under Article 435 of the Treaty of Versailles. It would appear extremely doubtful if Esthonia ever undertakes to obtain international guarantees of her neutralization, as she is afforded, under the territorial guarantees of the Covenant of the League of Nations, as inclusive and extensive a guarantee as she could hope to obtain from any neutralization convention, no matter how many its signatories might be.

CHAPTER X

THE LIBERATION OF LATVIA

LATVIAN HISTORICAL DEVELOPMENT: *Latvia Under the Militant Orders—The Régime of the Baltic Barons—The Lettish Renaissance—Effects of Russification—The Revolution of 1905 in Latvia—Nationalism, Socialism and Autonomy—Growth of a Federalist Program—Watchful Waiting, 1905-1914. LATVIA AND THE WORLD WAR: German Occupation of Latvia—Rôle of the Lettish Legions—The Letts in Russia—Vacillation of the Provisional Government—Growth of the Independence Movement—The Letts Under German Occupation—Rôle of the Latvian National Council—The Latvian Soviet—The Riga Democratic Bloc—First Moves for Recognition—German Intrigues in the Baltikum—Final Proclamation of Independence. THE STRUGGLE FOR INDEPENDENCE: The Latvian Council of State—Its Constitutional Program—Between Stutchka and von der Goltz—Needra's coup d'état—End of Baltic Adventures. INTERNAL RECONSTRUCTION: Constituent Elections—The Provisional Constitution—Agrarian Reform—Peace Negotiations with Russia—The Peace of Riga—Minor Territorial Settlements—Final de jure Recognition—Paving the Way for the Constitution—The Meierovics Coalition. THE LATVIAN CONSTITUTION: General Provisions—The Saeima—The President—The Cabinet—Direct Legislation—The Judiciary—Comparison with the Esthonian Constitution. CONTEMPORARY LATVIAN POLITICS: First Saeima Elections—Effects of Proportional Representation—Pauluks and Meierovics—Zamuels' Radical Coalition—Second Saeima Elections—Reelection of Chakste—New Agrarian-Center Coalitions: Ulmanis and Alberings—The Second Treaty of Riga—Future Tasks.*

LATVIAN HISTORICAL DEVELOPMENT

“FOR the Letts, the historic struggle of the proletariat against the foreign master of the soil, the German baron, and at the same time the hostility of the allogeneous races to the Slavic functionaries, have led to the identification in a single sentiment of social and national claims. That is the dominant trait of what may be called the Lettish national spirit.” In the foregoing words is to be found the epitome of the Latvian national movement, a movement which bears strong resemblances to that among the Esthonian people, both because of common historic conditions, such as subjection to a superior caste, and because of the similarity of the national psychology of the two peoples. If

anything, history has recorded a milder fate for the Esthonian than for the Lett in the seven centuries since the Baltic countries fell to the masters of the Teutonic Order. Esthonia's national history is lightened by the beneficent period of Swedish rule, whereas the traditions and recorded history of the Lettish people are more distinctly involved with the fate of the Livonian Confederacy, the rise and fall of the Grand Duchy of Lithuania and the final extension of Polish sway over the country before unhappy Poland was herself partitioned to appease the voraciousness of her neighbors.

In consequence of these historic happenings, Courland, the westernmost part of the region inhabited by the Letts, came predominantly under the sway of the Baltic barons. Their privileges were maintained there in much the same manner as in Esthonia, that is, by building up an upper crust of Germanic civilization, which forced the Lutheran faith upon the masses of the peasantry in the days of the Reformation. They defended princely prerogatives and the privileges of the nobility behind the dual bulwark of landed patrimony and imposed ecclesiastical authority. Somewhat the same fate befell southern Livonia, save that it shared with the Esths the enlightened rule of the Northern Kings till it was ceded in 1710 to Peter the Great, and passed under the gloomy sway of the Romanovs. There, as in Esthonia, they gave to the Baltic barons an almost undivided sway over the persons and the property of the serfs that lived on the land. The easternmost part of the Lettish lands comprised Latgale, which the Romanovs acquired as the first partition of Poland—as they acquired Courland in the third. Here, as a result of the repressive measures of an Orthodox ruler against his semitic subjects, a large portion of the Jews of the empire were forced to take up their melancholy habitation. Latgale—Livonia—Courland, these were the principal regional groupings into which the fortunes of history and the arbitrary administration of the Russian Czars divided the Lettish population.

The sole alleviations which the early nineteenth century brought to the lot of the Lettish population were the abolition of serfdom—through an act of generosity on the part of Alexander I, which the Baltic barons early learned to deprive of

all meaning—and the concession of the right of the peasantry to buy land in their own right. In Latgale, however, it was not until the beginning of the twentieth century, almost on the eve of the revolution of 1905, that the Czar conceded the right of ownership of tracts of land to those who were not of either the Lutheran or the Orthodox faith. All the iniquities, therefore, which marked the system of land tenure and agricultural production in Esthonia, were virtually duplicated in the lands to the south of her. Indeed, except for the fact that the barons and the pastors conceded the benefits of primary education to their charges, thus helping to produce a rather high level of literacy and the possibility of a literary revival of Lettish, the conditions of life and culture in the two countries were practically identical.

But identity of treatment of the Baltic barons did not produce identity of national development. Despite their comradeship in bondage, the Esthonian and Lettish races retained their historic dissimilarity. The qualities of vigor, persistence and indefatigability, which centuries of continuous residence in the Lettish lands had ingrained in the race, received little development at the hand of the stern Baltic taskmasters. Nevertheless, they were qualities which could not be eradicated by the drudgery of serfdom. Thus, when there came, in the middle of the nineteenth century, the beginnings of a national awakening, the qualities which had been latent for centuries in the sturdy Lettish stock were awakened and developed under the leadership of such men as Krischjahnis Waldemars (1825-1891), who did much for the economic betterment of his countrymen through tactful instigation of the Russian officials to new ventures for the development of Latvian ports and navigation. It was through the men who were willing to cooperate with the Russian régime that there was gradually built up a slavophil intelligentsia. And even though the intelligentsia did not approve of all the acts of the Czar and his *chinovniks*, it nevertheless exerted its efforts to secure the maximum benefits possible from a policy of close cooperation with Russia. This policy, which not even the era of russification and the excesses of the counter-revolution of 1906-7 could entirely extirpate, serves to indicate that the Let-

tish intelligentsia at least had a sense of the practicable as a foundation and basis for their national development. With the abolition of serfdom in all parts of Russia and the grant of autonomy to the Lettish communes in 1866, there appeared the beginning of an era in which cultural advancement would be possible on a general scale without exciting the antagonism of the Russian government. Numerous societies of all kinds came into being and a literary renaissance was under way.

The period of russification came like a blight upon the development of Lettish culture. It checked for two generations the progress that had been made in popular education and hampered appreciably the economic development of the country. The introduction of a new and unfriendly bureaucracy, the official restrictions on the use of the Lettish language, the deliberate attempts to stop the founding of Lettish banks—these and other measures of economic, political and cultural denationalization all served to alienate the younger generation of Letts from the slavophil attitude of their forebears. The generation that had produced an intelligentsia which built up national culture was succeeded by one which looked for advancement in the economic sphere and in political action directed against both the German Balt barons and the Czarist bureaucracy.

Thus it was that the Young Letts—if they may thus be distinguished from the Old Letts of the pre-russification period—imbibed the doctrines of social democracy, doctrines which came into the country with the growth of industrialization and the close economic contacts with the commercial centers of western Europe. They rapidly organized, even if under cover, centers for the discussion of economic and political reforms and liberation. In these circles, where German doctrines of socialism were particularly implanted, the doctrines of the Russian Social Revolutionaries found little opportunity for growth. Socialism in Latvia was and remained strictly Marxist, without undergoing any cleavage into Menshevik and Bolshevik wings.

It was this situation, prepared by a national cultural renaissance, a partial industrialization of the country, and an active epoch of russification that had balked both the national and economic aspirations of the Letts, which produced the revolu-

tion of 1905. Small wonder therefore, that, quite to the amazement of the Russian bureaucrats, the Lettish population sided with the Social Democrats almost to a man, and that the double nationalist and socialist movement wreaked its vengeance on the Baltic barons on the one hand, through the burning of their estates and the wrecking of their establishments, and against Russian officialdom on the other.

It is not our purpose here to follow the events of that historic prelude to the more dramatic dénouement of 1917, save to note that it revealed all too clearly to the Russian government that the policy of russification, which had merely increased Lett illiteracy for the moment, had in no way suppressed Lettish nationalism. Rather it had fused the industrial and marine population into a common bloc with the peasantry, which was henceforth determined to assert, by brute force if necessary, its national and cultural rights, and vindicate its economic claims.

The program that would have satisfied Latvia in 1905 was autonomy. The grouping into a single administrative unit of the Latvian lands that had fallen to the House of Romanov, the concession of the right to use the national language in speech and press and assembly, as well as before the tribunals and in the schools, would have done much to endear once more to the Little Father of All the Russias the population of the Latvian lands. But such were not the purposes of an autocracy, and the bitter suppression of the revolution by the Baltic barons and the notorious *okhrana*, paved the way for another era of resentment and bitterness and disillusionment.

In the intervening epoch between the revolution of 1905 and the outbreak of the World War, Latvian nationalism and socialism were both beneath the surface, but operating as powerful political undercurrents. Many of the Latvian patriots were in exile, learning abroad things which were to be of infinite value in the hour of Latvia's liberation, imbibing the theories of western democracy and assimilating from actual observation the experience of constitutional government of the most advanced type. Such, for example, was the period of discipline which Karl Ulmanis endured in Europe and America. It was this experience that fitted him for political leadership in his own

country and enabled him to stand the rigors of the German occupation.

In the Duma the rôle played by the representatives of the Latvian lands was creditable. Without venturing on too futile or too extreme a program, the Latvian leaders lent their co-operation to the various Russian parties. Even the nomenclature of Latvian political parties to this day bears the outstanding mark of their affinities with the like political groups from other nationalities which sent their representatives to the four short-lived Russian parliaments. If the program of political autonomy would have sufficed in 1905, the claims put forward by Lettish leaders in the days before the war demonstrate the outcome of the denial of autonomy. Between 1905 and the war the Letts came to demand not only political autonomy such as would completely revamp the political institutions of the country and put them on a democratic basis, but also financial autonomy, a separate army, consular and diplomatic representation, independent customs, separate posts and telegraphs, and their own railway administration. In these demands the Letts doubtless aspired to a position within the empire such as was then being accorded Finland, both regions having been among the most recent acquisitions of the Russian crown. But very naturally, under the conservative régime of Stolypin, all such demands were beyond the pale of practical realization. Only the Latvian émigrés abroad or theorists reconstructing the Russian problem after their own fashion proposed a Russian federation in which Latvia should form a separate state.

Thus neither liberty nor autonomy were accorded the Latvian lands, and the World War found the country little advanced politically over her position on the eve of the revolution of 1905. Indeed, so long as the Romanovs ruled in Petrograd and the Baltic barons in Livonia, Latgale and Courland, it is difficult to see how any autonomy extended the provinces would have escaped falling into the barons' hands. For an autonomous Latvia, freedom of the whole Russian people and democracy at Petrograd were prerequisites, and these were not yet forthcoming. For this reason the Baltic peoples were all compelled to wait upon the essential internal transformation of the Russian

body politic for democratic reforms. It was in this period of vigilant watching that the World War came.¹

LATVIA AND THE WORLD WAR

The World War itself brought little except desolation to the Lettish people. The Lettish contingents in the Russian armies were forced to fight under German Balt generals for whom they could feel little respect or affection. Due to their close proximity to the German frontier, the Letts were among the first to feel the brunt of the war. It was their sons who were led by Rennenkampf to be entrapped in the Mazurian lakes by Hindenburg, and in East Prussia thousands laid down their lives in the first days of the war. Then the fortunes of war turned more heavily against Russia and in the midsummer of 1915 all Courland and half of Livonia fell into German hands and were exposed to the rigors of a German occupation. In retreating before the German armies, the Letts were forced by superior command as well as by their desire to thwart the invader to lay waste the country and deprive the enemy of all resources. Thousands upon thousands of Letts fled to Russia, till Riga had scarcely half her population, and the countryside was deserted.

Then, at the urgent insistence of Lettish patriots, the Russian government permitted the recruiting of Lettish regiments and

¹ The source materials for the history of Latvia up to the outbreak of the World War are somewhat varied, and must be scanned with caution with a view to detecting their Russophil or Germanophil tendencies, according as they present the view of the Baltic barons or that of the Russian bureaucracy. A convenient manual issued by the Historical Section of the British Foreign Office is *Peace Handbook No. 50, dealing with the Baltic Provinces*. A scholarly presentation of the case for the Letts, based on an exhaustive study of the best authors, both German and Latvian, is Doumergue, Emile, *Une Petite Nationalité en Souffrance: Les Lettons, les Provinces Baltiques, et le Pangermanisme Prussien en Russie* (Paris, 1917), which has an excellent bibliography. An authentic presentation of the Russian side of the case is found in Korff, Baron Sergei, *Memorandum on the Baltic Provinces Question* (1919), pp 3-22. German sources include Tornius, V., *Die Baltischen Provinzen* (1913); Friedrichsen, Prof. Max, *Die Grenzmarken des Europäischen Russlands* (1915); Geiser, Alfred, *Die Deutschen Ostseeprovinzen Russlands*; and Rohrbach, Paul, *Das Baltienbuch*, all highly Germanophil and pan-German. More favorable to Latvia

battalions to fight under their own banners and officers for the recovery of Livonia and Courland. Their formation was of great importance to the Latvian national movement. Their sacrifices and devotion to the liberation of Latvia from the invader stirred up a consciousness of national strength and considerably enhanced the crystallization of Latvian nationalism. Nevertheless, the annals of the Lettish legions are tragic, not through lack of bravery of the Letts but through the failure of the Russian armies to cooperate in offensive operations. When, at last, the Russian front gave way on the morrow of the March revolution, the sacrifices of the Letts were of no avail. The Lettish legions, believing that the only hope of peace and the recovery of their homeland lay in following the Bolshevik program, placed themselves unreservedly in the service of their new soviet masters, only to find in the end that the Peace of Brest-Litovsk sacrificed their country to the exigencies of communist policy. Some, still hoping for the ultimate success of the revolution, remained faithful to the soviet government, and were much advertised by the Russian commissaries. Others either returned home after many wanderings through Russia, or else shared with the Czechoslovak legions in that memorable Odyssey across Siberia and around the world before their repatriation. Such were the military fortunes of the Letts.

Politically, the fortunes of war were even worse. To begin

are Agthe, Dr. Adolph, *Ursprung und Lage der Landarbeiter in Livland* (1909), which is considered generally as the best and most objective, scientific work on the Lettish situation; Duckmeyer, Friedrich, *Die Deutschen in Russland* (1916), partly covering the war period, and Prutz, Hans, *Der Kampf um die Leibeigenschaft in Livland* (1916); Rosinch, Friedrich, *Le Paysan Letton* (1906), and an anonymous account of the revolution of 1905, *Die Lettische Revolution* (1908). From Latvian pre-war sources the following are representative: Skujenieks, Marjirs, *La Question Nationale en Lettonie* (1913), and the contributions of various Lettish writers to Nos. 5-6 of the *Annales des Nationalités*, May-June, 1913. On the history of Lettish law and institutions, a primary source of information is the official *Geschichtliche Uebersicht der Grundlagen und der Entwicklung des Provinzialrechts in den Ostseegouvernements (Liv-Est- und Kurland)* Saint Petersburg, 1845, and the *Gesetzbuch für die Kurländischen Bauern*, Mitau, 1819, also officially published by the Russian government; cf. also the works of Dr. F. G. von Bunge, *Beiträge zur Kunde der liv-esth- und curländischen Rechtsquellen* (Riga, 1832); *Ge-*

with, they divided the country between the German invader and the Russian forces. The result was to produce divided political forces, which could hardly find means of communication or keep contact across the battle line. In Russia, the leading Lettish representatives in the Duma joined with other political figures in exile to form the Latvian Refugees' Committee, with its headquarters at Petrograd. In the occupied regions leaders like Karl Ulmanis kept under cover but held together the shattered ranks of the Lettish patriots. Meanwhile, the leaders at Petrograd besought the imperial government for reforms, for the promise of future autonomy, for some concessions to Lettish nationality akin to those which had been finally promised the Poles. It is claimed by the Lettish leaders that in the last hours of the imperial régime they had extorted from Prince Galitzin a promise of future autonomy, but without specific details of the manner of its application.

When the March revolution came, and the provisional government entered upon the scene, such promises could scarcely be considered binding, and the new government was disinclined to accord the Letts their claims of autonomy. The promises made to Poland, Finland and Esthonia were not paralleled in regard to Latvia, partly because of the lesser political consequences at stake, partly to avoid ruffling the feelings of the Poles, and partly because the provisional government was not in a position

schichtliche Entwicklung des Standesverhältnisse in Liv-Esth- und Kurland, bis zum Jahr 1561 (Dorpat, 1835), and *Altivlands Rechtsbücher* (Leipzig, 1879). More modern in its outlook is Foelckersam, Baron Hamlicar, *Das Alte Kurland* (Rostock, 1925). See also Napiersky, J. G. L., *Die Quellen des Rigischen Stadtrechts bis zum Jahr 1673* (Riga, 1876), and Hollander, Bernhard, *Riga im 19. Jahrhundert* (Riga, 1926). The war produced so large a literature on the Latvian problem that an exhaustive enumeration of bibliographical sources dealing with the pre-war history of the Letts would be impractical. The official historical précis submitted to the peace conference in 1919 is contained in the *Mémoire sur la Latvia* addressed to the Peace Conference by the Latvian Delegation, and likewise the *Mémoire Présentée par la Délégation Latvienne à l'Assemblée de la Société des Nations* (1920); a more popular account sponsored by the Latvian government is Seiffert, T., *Rapide Aperçu sur l'Histoire lettone*, pp. 3-20. A brief sketch of political party development is given by Skujenieks, Margirs, in *La Revue Baltique*, No. 12 (1919), under the caption, "Les Partis Socialistes en Lettonie."

to fulfil them, the greater part of the Latvian lands being under German domination. Only by indirection, and as a result of the division of the Esthonian districts of Livonia from those inhabited by the Letts, were the Lettish-inhabited regions set off from those of other nationalities. But here, as elsewhere, the provisional government either had no policies, or vacillated between the concession of autonomy and federation, fearing the consequences of either move on the historic unity and integrity of the Russian domain.

The first demands of the Letts were for the establishment of an autonomous administrative unit of Latvia, created out of portions of the *gubernii* of Livonia, Courland and Vitebsk. It was not then proposed or intended by the Lettish members of the Duma to accord, in wartime, anything more than simple administrative autonomy, and the provisional government was not averse to taking the matter under advisement. When, as a result of the general decrees issued by the provisional government, new governors in sympathy with the democratic professions of the new régime were appointed, and elections to the local government bodies in unoccupied territory were held, an appreciable improvement of the immediate political situation was noted. However, none of the measures enacted by the provisional government could counteract the effects of the military reverses of 1917, and when the Russian armies collapsed, the Latvian demands passed from mere claims to autonomy to outright demands for independence.

The arrival of the Bolsheviks to power brought the Lettish bourgeois, peasant and intelligentsia groups face to face with a real dilemma: either to submit to the new masters at Petrograd, and experience the extreme bitterness of class warfare and social revolution incidental to the establishment of soviet rule, or to fall into the hands of Germany, and be entirely at the mercy of the Baltic barons for an unlimited period. Confronted with such looming alternatives, the Lettish patriots weighed carefully the consequences and rejected both, staking their national future on the desperate chance of gaining independence. Such was the stand taken by the leaders in Russia.

At Riga, under the German occupation, the independence

movement had to work more covertly. It was in 1917, following the revolution in Russia, that a bloc was formed by the Lettish political parties and societies, uniting all parties with the exception of a small group of Germanophil bourgeois and the Bolshevik element, which had by this time openly split with the Latvian Social Democratic Labor Party and formed a separate party of its own. Thus, on both sides of the battle line, the Russian revolution, and not merely the war, gave the final impetus to the launching of the independence movement.

The independence movement was, as has been noted, the logical resultant of the policies followed on both sides of the battle line by the Lettish nationalists. On the Russian side, the Latvian National Council, made up of the representatives of all the political parties except the Bolsheviks, met at Walk on November 16, 1917, and passed a series of important resolutions, invoking the Latvian traditional desire for autonomy and an independent policy, and the doctrine of self-determination as the bases of its action. Protesting vigorously against any incorporation of the country into Germany, the council declared Latvia to be an autonomous unit whose status and domestic and foreign policy could be defined only by the Latvian constituent assembly and national plebiscite. This was the initial step, but it bridged carefully the transition from the autonomist to the independence program. While the idea of a separate constituent assembly might have been in consonance with the idea of autonomy, and might even have been construed as coming within the notion of constitutional self-determination, the demand for an independent policy, particularly with regard to foreign affairs, could not be so construed. It was not independence directly, but independence by implication that the National Council endeavored to put forward, to try out the feelings of the Bolshevik government.

Meanwhile that government was not idle. It extended its decrees to Latvia and, wherever possible, inaugurated the social revolution and the soviet system. It abolished the local government institutions that had been set up under the electoral decrees of the Russian provisional government, and applied its own electoral decrees to all men and women over eighteen who

would submit to the soviet régime. The bulk of the Latvian peasantry, as organized in the Latvian Peasant Union, was, however, excluded on the ground of their counter-revolutionary tendencies and belief in private property. A rural Red Guard was established, and the Latvian National Council was forced to take to cover.

At this point, late in December, 1917, the Letts in the regions occupied by Germany began their political organization. They created the Riga democratic bloc and passed resolutions virtually identical with those of the newly formed Latvian National Council and urged the proclamation of a united Latvian state. A common plan of action and a national consensus of opinion had thus been agreed upon; it remained for the Latvian National Council to carry on the program of national independence until the end of the World War should permit the union of the two organizations. Accordingly, on the convocation of the all-Russian constituent assembly and its announcement of the nationalization of land, the Lettish leader, Janis Goldmans, informed the assembly of the action of the Latvian National Council, and left the Russian political groups, both bourgeois and Bolshevik, to draw the requisite inferences, i.e., that Latvia had declared independence.

On January 15, 1918, the Latvian National Council once more assembled to determine, in view of the imminence of peace between the Bolsheviks and the German government, what further action should be taken. Nine executive departments were created to provide the administrative machinery of the new state and particularly the nucleus of a department of foreign affairs. Scarcely had this been done when the French government, through its ambassador at Petrograd, gave provisional *de facto* recognition to the Latvian National Council, thereby anticipating Great Britain by almost eleven months and Italy by a year. Then came the Bolshevik storm and the National Council bowed before it. It remained in abeyance while the humiliating peace of Brest-Litovsk and its supplementary agreements, which left the Baltic provinces to German caprice, were negotiated between the soviet government and the German Reich.

For the country at large, the year 1918 was one of bitter suf-

fering. Hitherto only Courland and part of Livonia had been under alien occupation, but now the German armies embraced all Latvian territory in their advance. Coincidentally came the German plots and conspiracies by force or fraud to revive the Landtags of the nobility, which the Russian provisional government had abolished. It was planned with their assistance to coopt sufficient numbers of servile Germanophil Letts in order to create *Landesräte*, which could be palmed off to the outside world as "National Councils" and manœvered into electing a German ruler to the throne of a Courland Duchy and then to that of a united Baltic state. These moves, which culminated in the offer of the Duchy of Courland to William II on March 8, 1918 (immediately after the peace of Brest-Litovsk), and of the throne of a united Balticum on April 12, were but the political expressions of the movement definitely to Germanize the Baltic provinces by the introduction at the end of the war of millions of German colonists. This economic project whereby the Baltic barons would have forfeited or disposed of half of their estates to the new colonists was the work of Baron Manteuffel, von Hahn, and one Silvio von Broederich, who planned to achieve with the aid of German arms a project which would have spelled the permanent doom of Latvian nationality. It was not without significance that, on the voting of the Latvian National Council's initial declaration for autonomy and independence, a leading member declared that a Germanophil policy would be certain death for the Lettish people politically.

In the midst of this German intriguing, the Latvian National Council met in July, 1918, to proclaim the independence of Latvia under an international protectorate and to send abroad its first emissaries with a view to obtaining recognition. From this point on, the newer generation of Latvian leaders comes to the fore, even in the darkest hours of the struggle for independence, to volunteer for these missions. Janis Chakste, old in years but young in spirit and destined to the presidency of the constituent assembly, and Zigfrid Meierovics now ventured forth on the perilous missions to the allied Powers, to convey strenuous protests against the German machinations and to make pleas for the recognition of Latvia's independence.

By refusing to recognize the legality of the Treaty of Brest-Litovsk, by unmasking the German designs on the Balticum, by promising the constitution of a democratic government on the morrow of victory, the Latvian National Council sought to make clear to the allied governments the policy to which it was irrevocably bound. The move was bold, but at length it reached the ear of the allied governments. On the very day when Germany laid down her arms, Britain accorded provisional recognition. With two of the major allied powers on her side, Latvia could, without further hesitation, proclaim her independence from both Germany and Russia. Amid great rejoicing, on November 18, 1918, the Latvian National Council and the bloc of statesmen who had weathered the German occupation in Riga proclaimed independence and established a provisional government.²

THE STRUGGLE FOR INDEPENDENCE

The political structure formed by the union of the Riga political bloc and the Latvian National Council was the Latvian Council of State, composed of about 100 representatives, a fifth of these from Courland, another fifth from Latgale, two-fifths from Livonia and Riga and the remainder representing the various minor nationalities. Of the seventy-eight avowedly Latvian representatives, one-third were members of the Latvian Peasant Union, one-third of the Latvian Social Democratic Labor Party, and the remaining third representatives of the bourgeois parties. Both Social Revolutionaries and Bolsheviks were excluded. In effect, this constituted a selected national assembly, not unlike

² The material covering the war period of Latvian history is voluminous; some is distinctly valueless from a political standpoint, but distinctly impressive in regard to the political, moral and material dislocation and exhaustion produced by the war. Official accounts given by the Latvian government are to be found in the peace conference *Mémoire*, pp. 8-10; that to the League of Nations Assembly, pp. 5-8. Cf. also Seiffert, *op. cit.*, pp. 18-21; Toupine, Arthur, *La Guerre et la Vérité*, a first-hand account of the rôle of the Lettish legions during the war; Berg, Arved, *La Latvia et la Russie*, who shows the futility of trying to stay within the Russian domain; Kenin, A., *La Lettonie et la Guerre*; Krause-Osolin, A., *Volksbefreiung oder Volksverwaltung* (1917); Doumergue, E., *op. cit.*; Gail-

that formed almost simultaneously in Czechoslovakia,³ and approximately by the same methods, i.e., by allotting seats in the council in proportion to the votes received by the parties in the previous elections—in the case of Latvia, those held under the Russian provisional government. From this body were selected nine men to form the executive, or the Latvian provisional government, under the premiership of Karl Ulmanis, with Zigfrid Meierovics as the foreign minister. Henceforth foreign nations were not to negotiate with the Latvian National Council but with a regular foreign office established by the provisional government and functioning in harmony with the wishes of the Council of State.

The program outlined by the Council of State was most commendable. It promised the convocation of a constituent assembly as soon as possible, to be elected on the basis of a general, equal, direct, secret vote of both men and women with proportional representation. Latvia was proclaimed to be a democratic republic, pending final confirmation of this form of government by the constituent assembly, and declared to be "sovereign and independent, one and indivisible among the nations of the world." Pending the convocation of the constituent assembly, legislative power was to be exercised by the Council of State, to which the provisional government, as the acting executive, was to be responsible. A brief section of the provisional constitution embodying the gist of these provisions assured individual rights and accorded national minorities the fullest opportunity for political expression. National defence on the basis of conscription and volunteering and the establishing of democratic local government bodies were prescribed by the clos-

lard, Gaston, *L'Allemagne et le Baltikum*, pp. 57-73, which is exceptionally good on the period of German occupation and the German intrigues. Excellent periodical accounts are to be found in *La Revue Baltique*, Vol. I, particularly "Le Conseil National Letton" (No. 1, p. 20 ff.); "La Lettonie en Ruines," pp. 76-78; "La Lettonie Avant l'Armistice," pp. 84-89; "Memorandum on Latvia," presented by the Swiss Committee for the Study of the Latvian Question to the American Commission to Negotiate Peace, pp. 194-197, a very objective presentation of the Latvian situation; "Pourquoi la Lettonie s'est séparée de la Russie," pp. 198-199, and Skujenieks, Margirs, "Les Partis Socialistes en Lettonie," pp. 308 ff.

³ Cf. *New Governments of Central Europe*, p. 275.

ing stipulations of the constitution. Nothing was said about judicial institutions, as the courts were hardly to be thought of in an hour of national crisis. After the passage of the constitution, the Ulmanis cabinet was inducted into office, with the support, but without the participation, of the Social Democrats, who abstained from the responsibilities of office for tactical reasons.

So far the constitutional development of Latvia and Esthonia had been almost parallel. Here the parallelism stopped. It was not an impossible task for the Esthonians to clear the country of the Germans and withstand the Bolshevik invasion; but when the Latvian government was compelled to face both simultaneously, its difficulties were almost insuperable. The Bolshevik inundation which was stemmed by the Esthonians near Narva, and which receded without affecting the constitutional régime in Esthonia, was merely diverted to Latvia. In short order Peter Stutchka and his soviet cohorts established themselves in Riga, to remain there from January till May, 1919, while the provisional government took shelter in Libau, within reach of allied naval patrols. The Baltic army of von der Goltz, deliberately retained in the western part of Courland under the terms of the armistice as a bulwark against Bolshevism, harried the native population by acts of brigandage, relentless requisition, persistent searches and confiscations, and indiscriminate assassination of the Letts on mere suspicion. In vain did the representatives of the provisional government beseech the allied missions to substitute for the German contingents allied patrols for police purposes. By an inexplicable idiosyncrasy of the allied Powers, troops which were the equals of the occupying forces in Belgium in destructive power were left as the guardians of the Letts in the Baltic region.

The consequences of such a move were soon made evident. The republic might have been proclaimed in Berlin and the Hohenzollerns might have sought refuge in Holland, but for the Baltic barons there was no revolution. The Baltic army of von der Goltz, monarchist and reactionary to the core, was impressed by them into new services to further pan-German intrigues. Thus, while the Letts sought by every means within their power

to repel the Bolshevik invader, and gradually cleared the way to Riga, the Baltic barons conspired with von der Goltz. After a miserable failure in February, suddenly, on April 16, 1919, they kidnapped the defenceless Ulmanis government, whose military forces were all at the front, and endeavored in the subsequent weeks to form a reactionary cabinet of Russian-Germans, German Balts and a few Germanophil Letts under the sanctimonious leadership of Pastor Needra, an apostle of law and order and Balt restoration.

But despite apparent momentary success, the German conspirators' hour had sounded; their futile endeavor came too late, for they were unable to convince either the Lettish statesmen or the allied missions of their sincerity, and the whole effort collapsed from its sheer sham. Not even the Iron Division of von der Goltz could force the creation of an anti-democratic government. After the restoration of the Ulmanis government in midsummer, at the demand of the allied authorities, the withdrawal of the Baltic army at the instance of the peace conference, the plot of von der Goltz to turn his legions over to the rascal adventurer Avaloff-Bermondts, the final collapse of the plans of both Bermondts and Judenitch for the restoration of the Balticum to a reactionary Russia, are all but stages in the gradual revelation of the complete bankruptcy of the Baltic policy of both Germany and the allied governments. Latvia, in the wake of Esthonia, discovered that she must deal with the Russian menace to her territorial integrity in her own way and come to an understanding with the soviet government. Having rejected the soviet armistice proposals at the time the Esthonians first parleyed at Pskov, in September, 1919, Latvia was forced to continue her struggle until February, 1920. By that time the country had been cleared of the Bolsheviks and it was once more possible for the Latvian provisional government to assert its authority over the country. It was now Latvia's duty to make her peace with Russia and summon a constituent assembly to fulfil the promises made on the proclamation of independence in 1918.

INTERNAL RECONSTRUCTION

The provisional government set the date for the constituent elections for April 16-17, 1920. As a reward for their services to the country, all soldiers over eighteen were allowed to vote at the elections, otherwise the vote was given to all men and women over twenty-one. The country was divided into five large electoral districts, due to the use of proportional representation, which together were to elect 150 members to the constituent assembly. The elections were very spirited, and about 80-90 per cent. of the electors turned out to vote, many of them exercising their right of suffrage for the first time. About one-third of the deputies returned were peasants, with agrarian interests to defend; over a third more were socialists, while the remainder were bourgeois parties and representatives of national minorities.⁴

The constituent assembly met on May 1, 1920, and on May 27 solemnly reproclaimed the independence of Latvia. This declaration was followed on June 1 by the passing of a short provisional constitution which embodied in large part the provisions of the constitutional program promulgated in 1918 on the original declaration of a united and independent Latvia. In addition, it defined the competence, program and authority of the constituent assembly and the method of control over the government, which was to become a responsible executive in the ordinary sense. Provision was made for the impeachment and trial of members of the constituent assembly or of ministers.

With the entry into force of the new constitution, the Ulmanis cabinet tendered its resignation, and was reconstituted as a

⁴ "According to party groupings, the political complexion of the Latvian constituent assembly was: 57 Socialists, 6 Labor Party, 6 Democrats, 6 Agrarian Party of the Landless, 2 Small Farmers, 1 Latgallian Populist, 6 non-partizan, 26 Latvian Peasant Union, 17 Latgallian peasants, 6 Latgallian Christian Peasants, 3 Christian Nationalists, 6 German Balts, 6 Jews, 4 Russians and 1 Pole. Thus the bourgeois parties hold 79 seats, the Socialists 57 and the national minorities 17. These figures indicate on the one hand the very moderate spirit of the Latvian people, as the minorities represent only 11 per cent. of the population, of which 4 per cent. are German Balts, 4 per cent. Jews and 3 per cent. Russians." *Bulletin*, No. 24 of the *Latvian Information Bureau*, Paris, May 6, 1920.

regular constitutional ministry supported by all parties save the socialists. At the same time Chakste became the president of the constituent assembly, fulfilling in this capacity the functions which attached to the Riigiwanem of the Esthonian government, whose new constitution was just then coming into force. Once the government and constitution were established, the final conclusion of peace and far-reaching internal reforms could be undertaken.

As in Esthonia, the first important work before the constituent assembly was the elaboration of a land reform law. Here, too, the principle of breaking up the large estates and their distribution among the landless peasantry was followed. The law of September 16-17, 1920, is, in many respects, a replica of the Esthonian law. As the situation to which both laws applied was essentially the same, there is little need for recapitulation save to note that the Baltic barons who had upheld the German plots lost their estates without compensation and that the special law on compensation was deferred on account of the strain which its immediate enactment would have placed upon the Latvian banks. As in Esthonia, again, the enactment of the law was a prime necessity in order to satisfy the peasantry and avert the more drastic solution of the historic wrong to the lower classes by the bloody and violent processes of a communist revolution. For such a purpose, the measure was amply justified, though it undoubtedly injured the vested interests of the Balts, and reduced not a few of them from a high estate to penury. To the Germanophil elements, who had been ready to share half their lands with German colonists during the régime of occupation, the law was a staggering blow. It meant that most of them would be dispossessed and forced to accept a very modest return on the property to be expropriated.

Despite the charges that the law was a brazen confiscatory act of "cold Bolshevism," the remarkable social effects of this agrarian legislation in allaying unrest and making for gradual social and economic recovery and upbuilding more than justify the change wrought. It is to be regretted that any class should suffer in a far-reaching economic transformation of society, but of all the classes in Latvia, the Baltic barons and large land-

holders were certainly the ones who could best endure the sacrifices. For years to come, no doubt, there will be continued protests against the operation of the agrarian laws from these German Balt minorities, but it is unlikely that they will be able to thwart the far-reaching economic change that is taking place in building up from the earth-bound peasantry of pre-war days a new, self-made and self-respecting agricultural class.

In foreign affairs, too, Latvia followed largely the policy of the Esthonian government and made peace with the Bolshevik government. Despite the fact that Latvia had been cleared of the Red armies in February, 1920, actual peace negotiations were not begun until the middle of April, when a Latvian delegation was received by the soviet government at Moscow. It appears that the soviet government at first sought to make good its threat to the other border states not to deal with them as tenderly as it did with Esthonia, and the choice of Moscow, rather than Riga, as the scene of negotiations was meant to make Latvia go to Canossa. As negotiations proceeded, however, various circumstances turned the tide in favor of the Latvian negotiators, and the fact that all the other border states were suing for peace made it possible to conclude at Riga on August 11, 1920, the terms that had been agreed upon earlier at Moscow.

The Treaty of Riga,⁵ which was deliberately patterned after the settlement with Esthonia—as, in general, were all the treaties in the eastern settlement except that with Finland—gave Latvia the advantages of peace, unreserved *de jure* recognition by Russia, a careful delimitation of her frontiers, military and strategic safeguards, a promise of reparations from Russia, restitution of prisoners, refugees and property, a clear-cut definition of nationality and option and, lastly, the advantage of an amicable arrangement with regard to debts and property. It afforded to Latvia the beginnings of a gold reserve for her currency and the promise of various raw materials and other *materiel* from Russia. The fact that the Peace of Riga came at the time when Poland was negotiating at Minsk and Finland at Dorpat makes the action of Latvia much less significant than that of Esthonia. It does not minimize, however, the impor-

⁵ *League of Nations Treaty Series, II, 195 ff.*

tance of the third⁶ great settlement which Soviet Russia made with one of the border states.

From the Peace of Riga on, the claims of Latvia to *de jure* recognition by the allied Powers, a claim that had been as steadfastly rejected as that of Esthonia or Lithuania, began to find greater weight with the western democracies, and Latvia endeavored, by the speedy and peaceful termination of her difficulties with her neighbors, to set her house in order that she might obtain admission to the League of Nations. The arbitration convention of March 22, 1920, between Latvia and Esthonia,⁷ by virtue of which the disputed city of Walk was partitioned between the two countries; the peaceful delimitation of the frontiers with Lithuania⁸ with the exception of the disputed Polangen and Illuxt districts;⁹ the definition of Poland's frontiers with Latvia by the preliminary Russo-Polish Peace of Riga of October 11, 1920,¹⁰ and the settlement of all outstanding differences with Germany by a protocol of July 15, 1920,¹¹ gave Latvia stable frontiers and enabled her to conform to the requirements laid down by the League of Nations Covenant for admission to membership. Although the application was thoroughly in order, the considerations of superior policy which caused the postponement of Esthonia's claim to admission—considerations founded on the dogma of the unity of Russia and the interventionist policy of the allies—deferred Latvia's admission to the League until the second Assembly.

Only at the beginning of 1921, when the last of the eastern settlements with Russia had been concluded, did the allies, acknowledging the failure of their ambitious schemes for a restoration of the unity of Russia, grant tardy and ungracious recognition to Latvia. The United States, as was noted in connection with Esthonia, waited a year and a half longer be-

⁶ The second, as will be noted *infra*, was the Peace of Moscow, July 12, 1920, with Lithuania.

⁷ *League of Nations Treaty Series*, II, 187.

⁸ *Ibid.*, p. 233.

⁹ Subsequently disposed of by an arbitral decision of March 25, 1921.

¹⁰ *League of Nations Treaty Series*, IV, 5 ff.

¹¹ *League of Nations Treaty Series*, II, 91.

fore according recognition, which was eventually given on July 27, 1922.¹²

The provisional constitution of June 1, 1920, having effectively organized Latvian public life, there was no pressing need for the enactment of the permanent constitution, and the carrying out of agrarian reform was put first. In consequence, the constitution had to wait. The remainder of 1920 and all of 1921 was spent in negotiating treaties with neighboring states and in liquidating the effects of the war. Many other tasks, such as balancing the budget, deflating the currency and returning to a gold basis, by the substitution of the *lat* for the old ruble, engaged the attention of the assembly. Finally, the abolition of the privileges of the nobility and the legal extinction of feudalism were all necessary precursors to the task of drawing up a permanent constitution. When it was finally possible and necessary to undertake that task, social order and peace had been restored and economic equilibrium was in sight. A complex network of international relationships had been set up by the various Baltic conferences and a system of conventional international law inaugurated between the various states.

Once these matters were settled and recognition and admission to the League of Nations had been brought about, the elaboration of the permanent constitution could be undertaken without interruption. In the interim, Ulmanis, whose cabinet

¹² Preliminary and provisional recognition was accorded the Latvian National Council by France on January 22, 1918, by Great Britain on November 11, 1918, by Italy in December, 1918. Japan followed on January 10, 1919, Lithuania on September 23, 1919, Finland on September 26, 1919, the Ukraine on December 10, 1919, and Esthonia at latest by March 22, 1920. Poland accorded recognition on October 22, 1919, while France renewed *de facto* recognition of Latvia on April 20, 1920 and was followed by Belgium, Haiti and Liberia. The first, though qualified and conditional, *de jure* recognition was given by Germany in the second article of the protocol of July 15, 1920, which announced Germany's willingness to recognize Latvia *de jure* as soon as one of the allied Powers named in the Treaty of Versailles announced recognition. Cf. League of Nations, First Assembly, Document 49, *Application of Latvia for Admission to the League of Nations*; Memorandum by the Secretary General, and Document 207, *Admission of New Members to the League of Nations: Latvia*, which notes additional *de facto* recognition by Denmark.

had been supported by none of the Left parties, had given way to a new cabinet under his lieutenant, Meierovics, who retained the foreign office. Under the leadership of Meierovics, the governmental coalition was broadened towards the Left, in order to make the administration more representative of the will of the country. It was this Agrarian, Democratic and partly Social Democratic bloc that finally framed and put through the constitution of February 15, 1922.

THE LATVIAN CONSTITUTION

The constitution of Latvia is not a striking document. It follows closely the Estonian constitution and therefore embodies few original features. Its first section¹³ reiterates that Latvia shall be an independent democratic republic, and, like the Weimar constitution, vests sovereign power in the people, defines the national territory and prescribes the national flag. Unlike many other of the post-war constitutions, the Latvian instrument is extremely concise and elaborates neither provisions of nationality—since these had for all practical purposes been determined by the various international treaties previously concluded—nor a detailed bill of rights. To explain the omission of the latter one must construe the bill of rights enacted by the constituent assembly as a part of the provisional constitution, not perishing with the enactment of the permanent fundamental law, but surviving, much as is the case in France, where the courts will invoke the principles of the Declaration of the Rights of Man and the Citizen to supplement the constitutional laws of 1875. The final stipulation of the provisional constitution, it is true, set a time limit upon the life of the constituent assembly, but not on its own provisions. For this reason the bill of rights can be said to continue in force.

In reality, the permanent constitution is a skeletal structure providing for the legislative, executive and judicial branches of government and regulating their interrelationships without much digression into other fields. Section II¹⁴ creates in the Saeima a unicameral parliament of 100 members elected by all Latvian

¹³ Articles 1-4.

¹⁴ Articles 5-34.

citizens over 21 for a three-year term under a scheme of universal, equal, direct and secret vote on the basis of proportional representation. The Saeima meets in Riga on the first Tuesday in November, following its election on the first Sunday in October and the previous Saturday, and continues its life until the normal end of its three-year term unless previously dissolved. In this event, the newly elected Saeima lasts for two full years and till the following November, by which time the next regularly chosen Saeima is to meet. This provision, it will be seen, makes for regular elections and tends to avoid useless dissolutions, as in the case of a Saeima dissolved after nine months of existence its successor would have little more than two years of life. Thus far in the actual experience of the young republic no attempt has been made to dissolve the Saeima.

The Saeima enjoys the usual internal autonomy of parliamentary bodies, elects its own officers, determines its own rules of procedure and is empowered to select committees and define their competence at its discretion. A majority is required for a quorum and a majority of those present must vote to enact a law. Inquiry committees, following German practice,¹⁵ may be appointed to investigate whatever the Saeima may lay before them. The members enjoy the usual parliamentary immunities, except that they are liable to prosecution, even in their public capacity, if they disseminate defamatory news, knowing it to be baseless, or if it concerns private or family life. The Saeima is given full right of interpellation, and the ministers and their subordinates must reply. They cannot withhold relevant documentary materials from the Saeima if the latter demands them. In this way it is obvious that the Saeima intends to exert a careful scrutiny over the acts of the government. Except for a pledge that members shall receive compensation for their services from state funds, the constitution makes no provision for their welfare, and leaves to later elaboration the scale of their compensation.

Section III¹⁶ of the constitution, devoted to the President of the State, is in many respects its central and vital section.

¹⁵ Cf. *New Governments of Central Europe*, p. 48.

¹⁶ Articles 35-54.

The chief executive is elected by the Saeima for a three-year term and must receive at least 51 votes to be elected. He is required to be over 40, and cannot hold office for more than two terms in succession. His powers are ample: he represents the country in its international relations, is peace-time commander-in-chief of the military and naval forces, declares war after a decision to that effect by the Saeima, but may take temporary measures for the defence of the state on his own authority. Power of reprieve, but not of amnesty, is accorded him. He is given the right to convoke extraordinary cabinet meetings and to propose legislation. For all these acts he is politically irresponsible, as the ministers comprising the cabinet must, either through the prime minister or some other of their number, assume political accountability for such acts. However, his power in relation to the dissolution of the Saeima is much more serious. His action is really a proposal for dissolution, which demands a plebiscite to make it valid. If the people sustain the chief executive, the Saeima is dissolved and new elections are held, but if they oppose him, he is considered as having resigned, and the Saeima, fresh from the people's vindictive action, elects his successor. The Saeima is also given authority by a two-thirds vote to authorize the prosecution of, or to recall, the president and elect his successor. In case of a vacancy in the presidential office, its duties are performed by the speaker of the Saeima.

The fourth section¹⁷ of the constitution deals with the cabinet, and lays down explicit rules in regard to its selection, conduct and dismissal. Responsibility is both individual and collective, inasmuch as lack of confidence can be voted in regard to any minister. In voting such want of confidence in the prime minister, however, the Saeima votes for the downfall of the whole cabinet. In cases of emergency, the cabinet is empowered to take extraordinary measures for the defence of the country from external or internal dangers.

In dealing with matters of legislation,¹⁸ the constitution is explicit. Legislative power is vested both in the Saeima and in the people, "in the order and within the limits" specified

¹⁷ Articles 55-63.

¹⁸ Articles 64-81.

by the basic instrument. Legislative initiative is possessed by the president, the cabinet, the committees of the Saeima, or any five members thereof, and also by one-tenth of the electorate. The Saeima, however, has full power over all budgetary measures, the budget being prepared exclusively by the cabinet. Likewise, the final accounts of all expenditures and revenues must be laid before the Saeima after having been audited by the "State Control," an independent collegial institution, with safeguards as great, during limited terms, as are provided for the judiciary. The Saeima is given power to determine the strength of the armed forces of the state in time of peace, and to pass upon all international agreements requiring legislation to give them effect.

If, by a two-thirds vote of the Saeima, laws are declared urgent, they must be promulgated within three days; otherwise, ordinary legislation not concerning the financial affairs of the republic, military service, the declaration of war or the measures necessary to carry on war, the conclusion of peace or treaties with foreign nations, may be submitted to a vote of the people before promulgation. Interestingly enough, the very matters over which it has so often been contended that popular control should be most directly asserted are here expressly withdrawn from the people. The reluctance of the people to vote new and necessary financial reconstruction measures is readily understandable, and the unwillingness of a cabinet to see its financial plans sabotaged by a recalcitrant or impetuous electorate during a period of economic rehabilitation is pardonable, but only a profound distrust of a powerful and aggressive neighbor or sincere doubts as to the capacity of the electorate to decide fundamental questions of war, peace, or foreign policy warrant the other arbitrary restrictions on popular controls.

In its actual operation, the referendum is simple. Promulgation of a law is deferred by wish of the president or one-third the members of the Saeima. In addition, the actual plebiscite demands a petition by one-tenth of the electorate within a period of two months. In case no such petition is presented, the law goes into force at the end of that time. In case a petition is presented, the law is referred to the people unless the Saeima re-

passes it by a three-fourths vote of all members. In case of actual plebiscite, half the total electorate must participate in order to annul the law. The same proportion of voters (not votes) is required whether the issue be one of constitutional referenda dealing with the form of government, popular sovereignty, state boundaries or modification of electoral arrangements prescribed by the constitution. Apart from these cases, constitutional amendments do not need popular ratification, but may be effected by a two-thirds vote of a two-thirds quorum of the Saeima.

Initiative measures require a petition of one-tenth the electorate and may refer to ordinary legislation or to projects for total revision of the constitution. If this petition is accepted integrally by the Saeimas, no plebiscite ensues; if the petition is rejected or amended, the people must pass upon the measure. It is not inconceivable that the restrictions placed upon the subject-matter of referenda could be thwarted by bringing the matters forward under the guise of projects for complete revision of the constitution. In that event, however, they would be apt to have only a theoretical significance, referring to potential future occurrences rather than impending political issues. For that reason, they could undoubtedly come under plebiscite without danger to the security or well-being of the state.

A brief section towards the end of the constitution deals with the Latvian judiciary.¹⁹ Premised on the equality of all citizens before the law and the courts of justice, it provides for a system of courts of law and for juries to be more explicitly elaborated in a special law. Provision is made for an independent judiciary, appointed by the Saeima for an indefinite period, or until retirement according to law. Judges may not be suspended or removed from their position except by orders of a higher court, and justice can be rendered only by duly authorized organs. Courts-martial are governed by special legislation. These are the only stipulations in regard to the courts. No provision is made for the enforcement of the legal rights of individuals nor are safeguards erected against the arbitrary conduct of the

¹⁹ Articles 82-86.

government. These must sooner or later be supplied by statutory or constitutional law.

It is altogether probable that the Latvian judiciary, like the Esthonian, will for years follow, and build upon, the Russian legal system, retaining the unity of the judicial system while including under it special administrative sections. The continuity of legal development is seldom, if ever, greatly disturbed by a political revolution; it can, however, suffer violent overthrow in the course of a radical social upheaval or violent economic transformation. For that reason, it is to be expected that over a long period Latvia will be weeding noxious plants of Russian origin out of her judicial garden, just as she has found it necessary to uproot and extirpate the evil growths of Balt law which were essential to manorial feudalism and baronial privilege.

Much of the democratic doctrine that underlies the Esthonian constitution has found its way into the Latvian instrument, but there is lacking the full-fledged development of pure democracy for which the Esthonian constitution has already become noteworthy. Probably the most distinctive feature is the provision permitting the people to decide directly the conflicts between the executive and the legislature. In this respect the Latvian constitution does not go as far as the Weimar instrument²⁰ in permitting the recall of the president directly by the people. In effect, however, the recall is brought about if the president has wrongly gauged the temper of the populace. On the other hand, a confirmation by the people of the presidential act of dissolution, while it does not operate, as in Germany, to reelect the chief executive, does force the reelection of the legislative body. But with a normal, titular head of the state to act for the great electorate in the fundamental matters of choosing a government and terminating the life of the legislature, no such doctrinal innovations as the Esthonian document introduces are necessary or to be found in the Latvian constitution. It has nothing of the sensational; it evidences throughout the spirit of compromise and close adherence to accepted institutions of government.

²⁰ Cf. *New Governments of Central Europe*, p. 59.

CONTEMPORARY LATVIAN POLITICS

Since the passage of the constitution, the main tasks of the Latvian government have been to restore normalcy in the economic sphere and to implement the constitution by mature legislation. The constitution went into effect June 30, 1922, and the elections for the first parliament were set for October 7 and 8 of that year. The elections, being held under the system of proportional representation, led, as in Esthonia, to a break-up, even greater in extent than was evidenced at the constituent elections, of the three cartels of groups which had functioned during the period of the National Council and the Council of State. Including the racial minority groups there are approximately twenty political factions produced as the outworkings of this system in Latvia. The operation of proportional representation may be objectively appraised as having done much to break down the sense of national solidarity which fused the nation into a unit at the time of the double German and Russian menace. It has introduced, canonized and sanctified rural provincialism and repeatedly led to parliamentary wrangles between the minor groups. It has permitted the intrusion of latent religious and nationalistic feeling into parliamentary life and has crystallized prejudices that in all probability could have been gradually overcome by more truly national policies, advocated by larger groups with individual divergences of opinion but a common consensus and a nuclear program. It is seriously to be questioned whether proportional representation has yielded the fruit which it was expected to bear. Its actual product appears to be selfish clannishness and representative mediocrity. Only the old agrarian group, the Latvian Peasant Union, and the sternly disciplined Social Democratic Party seem to have survived the initial effects; the bourgeois parties, never closely knit together in pre-war days because of conflicting economic and political ties, seem more and more to be scattering their influence. In the light of this experience, which is not unlike that of other countries which have tried the system, the panacea of proportional representation, invoked at the end of

the war as the universal solvent of all political difficulties, would appear to have been tried and found wanting.

Once the Latvian parliament met, it elected Janis Chakste to the presidency, thereby keeping at the head of the state the man who had presided over the country's destinies since the formal declaration of independence, and who had ably represented his country at the Peace Conference of Paris. However, the parliamentary situation in the new chamber needed clearing, and by the beginning of 1923 a change was brought about resulting in the inclusion of the Social Democrats and Right Socialists, the members of the Democratic Center parties and the Latvian Peasant Union in one coalition under the non-partizan premiership of Janus Pauluks. This aggregation commanded the support of about three-fourths of the Saeima, and labored into June, 1923, primarily on economic and budgetary matters.

At this time, however, a clash between an extra-legal society of Latvian youths, sometimes called the Latvian Fascisti, and socialist elements, on the streets of Riga, precipitated a cabinet crisis, which compelled the withdrawal of the Social Democrats from the cabinet. Thereupon Meierovics, who had retained the foreign office under Pauluks, returned to the premiership with a cabinet composed of representatives of the Right Socialists, the Democratic Center and the Latvian Peasant Union. While this new grouping did not command an actual majority of the Saeima, it had the tacit support of the other Agrarian parties further to the Right, and managed to maintain itself in power until the beginning of 1924, accomplishing, during its tenure of office, the basic transition from a worthless ruble paper currency to a solid gold standard which has since been carefully maintained. The withdrawal of the old currency and the issue of new *lats*, with an ample gold coverage, was a difficult feat and one which took resolution and courage.

This unstable equilibrium in which Meierovics found himself ended in January, 1924, by the advent to power of Woldemar Zamuels, with a strongly radical cabinet, supported by the racial minority groups, the Democratic Center and the Social Democrats. For the first time in the history of Latvia the Agrarians were not represented. It is a remarkable evidence of the paral-

lism of political development that Zamuels and Ramsay MacDonald, both leaders of radical movements, took office almost within a week of one another, and that Zamuels did not long survive his British contemporary.

This radical coalition, although possessing only a small majority, governed Latvia through 1924. Late in December it was replaced by a new combination headed by Hugo Celmins, formerly minister of agriculture, and supported by the Latvian Peasant Union, the Democratic Center and the less acrimonious partizans on the Right. It was inevitable that a weak ministry, scarcely commanding a majority on any occasion, should presently give way to one with a firmer foundation. The period of the Celmins cabinet, covering the major part of 1925, witnessed in domestic affairs the continued upbuilding of national finance and, in foreign policy, a closer rapprochement with Esthonia. In October, 1925, the term of the first Saeima expired and new elections took place, resulting in the return of approximately the same party representatives as had been chosen to the first legislative body. This reaffirmation of the political affiliations of the nation was regarded generally as an indication of profound political stability and as a proof of the adaptability of existing institutions to the desires of the electorate.

Following the Saeima elections, on the assembly of the new chamber, Latvia's second presidential election took place, the principal contenders being Janis Rainis, a well-known Lettish literary man, Ulmanis, the agrarian leader, and Chakste, the incumbent president who sought reelection. No election having resulted on the first ballot, Rainis tactfully withdrew and Chakste was reelected to office.²¹ Immediately thereafter the

²¹ President Chakste, who, it will be recalled, had headed the Latvian Council of State and the constituent assembly, remained in office until his death on March 14, 1927. Pending the election of his successor by the Saeima, Dr. Ringold Kalning, the president of the Saeima, in compliance with Article 52 of the Constitution, assumed the presidency. On April 8, 1927, Mr. Gustav Zemgals, the former vice-president of the Latvian National Council and author of the Latvian declaration of independence, was elected president by the vote of the socialist, agrarian and democratic groups of the Saeima. The new president was born near Mitau in 1871, graduated in law from the University of Moscow and long practiced as a barrister in Riga, of which he was chosen mayor after the March revo-

Celmins cabinet resigned in order to let the Saeima express its free will regarding the creation of a government fully in its confidence.

As a result, Ulmanis was asked to take office, and brought to the support of this, his fifth ministry,²² a coalition of the Peasant Union, the minor Agrarian parties, now known as the Agrarian Bloc, the Christian Democratic Party and other groups on the Right. This was, as can easily be seen, a cabinet from which the Left parties were entirely excluded, nevertheless a cabinet broadly conforming to the prevailing political temperament of the country. The following months saw intricate negotiations between the Baltic states in regard to mutual security guarantee pacts, and similar understandings with Russia. In the midst of these delicate transactions, the Ulmanis ministry was overthrown on a budgetary issue by the joint endeavors of the Left parties and the minority groups. At the beginning of May, 1926, a new cabinet was formed by Alberings, the president of the Agrarian Bloc in the Saeima, with the backing of the Agrarian and Center parties, the Left remaining in opposition.²³ Ulmanis took over the foreign office to continue the policy of peace and conciliation which he had been consistently pursuing.

The fruits of this policy of fair dealing were garnered by Ulmanis' successor, Frederick Cielens, who was able to come to an understanding with Russia. On March 9, 1927, there was signed at Riga a security pact between Latvia and the Union of Socialist Soviet Republics. It provided for the settling of all political differences between the two countries by a conciliation commission under the presidency of a neutral. Each signatory pledged neutrality in case the other were attacked by a

lution in 1917. Elected to the constituent assembly in 1920, he later became minister of national defence, but had retired to private life, aloof from party conflicts, before being called to the presidency.

²² During his tenure of office from November 18, 1918 to June 18, 1921, Ulmanis reorganized his ministry three times: first after the collapse of the Needra régime, July 14, 1919, again in December, 1919, and finally in June, 1920, shortly after the convening of the constituent assembly.

²³ The Alberings cabinet remained in office until March, 1927, when it gave way to a Left cabinet formed in the last days of President Chakste by Marjirs Skujenieks, the Right Socialist leader, with the support of the Social Democrats and the Center parties.

third Power and promised abstention from any coalition directed against the political independence or territorial integrity of the cosignatory. Just how Latvia would reconcile her obligations under the Covenant of the League of Nations with the provisions of the new treaty was left for later negotiation. The signature of the second Treaty of Riga marked an important step in Latvian foreign policy and was an indication that a more satisfactory and permanent basis of relations between the two countries had been reached—one reconciling political independence with mutual security and promising peace.

Viewing Latvian politics in the ensemble, it is believed that, although cabinet oscillations may take place over a considerable period according as agrarian or industrial interests demand the major share of attention, the minor groups in the Center of the Saeima will hold the balance of authority and bring about a wholesome moderation in governmental policy. For her immediate future Latvia does not need far-reaching constitutional changes; it will take fully a generation to round out the structure which the constitution of 1922 and its predecessors created. It is rather through the devotion of wholehearted interest to the economic restoration of the country, to the building up of an emancipated farming class, to the improvement of public health and education, and to the working out of a balanced budget amply providing for the social needs of a liberated nation that Latvia will complete, in coming generations, the solid conquest of national self-government and independence for which, in the dark days of war and revolution, she poured forth so lavishly her blood and treasure.²⁴

²⁴ Since the end of the World War a flourishing literature has grown up describing political, constitutional and economic development. Among official publications should be noted *La République de Lettonie, Documents, Traités, Lois. Tome I.*, published by the Latvian Ministry of Foreign Affairs, and also *La Constitution de la République de Lettonie* (Riga, 1925). An authentic commentary on the latter is Cazelius, Armand, *La Constitution de la Lettonie, Documents et Commentaires* (Toulouse, 1925). On the Latvian judicial system cf. Duzmans, Karl, "La Justice en Lettonie," translated in the *Handbook of Foreign Legal Procedure* (London, 1924). A useful compendium on parties is Salts, Albert, *Die politischen Parteien Lettlands* (Riga, 1926). Other treatises of general interest are Pergameni, Charles, *La Lettonie ou République Latvienne* (Brussels, 1926); Bihlman, Alfred, *La Lettonie d'aujourd'hui* (Riga, 1925),

NOTE ON NEUTRALIZATION: The same motif running through the Esthonian diplomatic correspondence of the pre-armistice period of 1918, of desiring some form of international guarantee for the new state, is found in Latvian documents, although more rarely. The first evidence is found in the Latvian National Council's pronouncement of July 8, 1918, for an independent Latvia under an *international protectorate*, in close juxtaposition to the demand for the neutralization of the Baltic (*La Revue Baltique*, No. 1, pp. 20, 23); also the first diplomatic mission to Stockholm, following the lead of Tonisson, of the Esthonian mission, declared in October, 1918, that it did not conceive of Latvia's future except under the régime of internationally guaranteed neutrality (*ibid.*, p. 60). The suggestion occurs as late as December, 1919, in private publications (cf. "Latvia and its Colonizers" by a Livonian, *Eastern Europe*, No. 8, December 16, 1919, pp. 243-246) but is entirely absent from the documents finally presented to the peace conference, showing that at a relatively early date the Latvian diplomatic agents had come to realize the incompatibility of a régime of neutralization with the formal sanctions to be invoked by a League of Nations.

Latvia in the Making (Riga, 1925), and *Die Politischen und wirtschaftlichen Grundlagen der Baltischen Republik Lettland* (Riga, 1926); Walters, Dr. M., *Lettland: Seine Entwicklung zum Staat und die Baltischen Fragen* (Berlin, 1923), and *Le Peuple Letton* (Brussels, 1926), and Duzmans, Karl, *Lettland Forr och Nu* (Stockholm, 1926). Of economic interest are Meyer, Percy, *Latvia's Economic Life* (Riga, 1925), *Lettland als Agrarstaat* (Riga, 1924), and *Sechs Jahre Lettlandischen Aussenhandels*, (Riga, 1925); Polessky, Rafael, *System der Handelverträge der Baltischen Randstaaten* (Riga, 1926), and Siew, B., *Lettlands Volks- und Staatswirtschaft* (Riga, 1925).

CHAPTER XI

THE LITHUANIAN RENAISSANCE

HISTORIC ORIGINS OF THE LITHUANIAN NATION: *Lithuania and Ireland: a Comparison—Ethnographic Lithuania—The Grand Duchy of Lithuania—Lithuania and Poland, 1569-1795—Lithuania Minor Under Prussian Domination—Polonization of the Lithuanian Intelligentsia—Russification of Lithuania. THE LITHUANIAN NATIONAL MOVEMENT: The Linguistic Revival—Agrarian Foundations of Lithuanian Nationalism—Rôle of the Lithuanian Émigrés—Adverse Effect of Religious Polonization—Effect of the Revolution of 1905—The Vilnius Diet and Its Program—Lithuania Under the Reaction. THE LITHUANIAN MOVEMENT DURING THE WORLD WAR: Material Effects of the World War—German and Russian "Solutions"—The Lithuanian National Council—Relations with the Russian Provisional Government—The Beginnings of German Intrigue—Lithuanian Counter-moves—The Vilnius Diet of 1917 and Its Program—The Taryba—The Voronezh Program—Its Significance. THE ACHIEVEMENT OF INDEPENDENCE: The December Declarations—Final Declaration of Independence—Recognition by Germany—Further German Intrigues—The Kingdom of Lithuania: Mindaugas II—The Crisis in the Council of State—The Beginnings of National Administration—Lithuania's Perilous Position.*

HISTORIC ORIGINS OF THE LITHUANIAN NATION

THE achievement of Lithuanian independence in the same year in which the Irish Free State came into being, leads not inaptly to a comparison of the Celtic renaissance, which here reached its political culmination, with the resurgence into political vitality of another people of equally pronounced national characteristics. If the Irish Celts represent to the Anglo-Saxon world the only familiar example in the recent history of western Europe of the awakening of an ancient race to national consciousness, it is not inappropriate to point out the parallelisms between this revival of an ancient people and the resurrection of the Lithuanian nation from the grave of oblivion into which, with the unctuous ceremonialism of the Powers that partitioned Poland, it had been buried at the end of the eighteenth century.

The Lithuanians, like the Celts, are the vestigial remainders of a venerable race, a branch of the three Litho-Baltic races of which the now extinct Bo-russians and the modern Letts were kinsmen. They represent to our generation the survival of a once far greater racial grouping commanding the valley of the Nemunas (Niemen) and reaching far back into a Balto-Russian hinterland. Ethnographic Lithuania—for it is only of such and not of historic Lithuania that we are speaking—marks in the twentieth century as clearly defined a racial grouping as any of which Europe has knowledge, a group which has been able to resist effectively the onslaughts of rival races and cultures and to reassert itself, with striking tenacity and persistence, despite every obstacle that has been placed before it. Possessed of the most ancient language in Europe, endowed, as the Celts, with a wealth of primitive lore and mediæval tradition, the Lithuanian people, as a distinct nationality, have managed to bring to a full fruition, through their resistance to the denationalization attempted by Germans, Russians and Poles, the once tenuous survival of their ancient culture. In Lithuania, as elsewhere in Europe, it has been the irresistible psychological force of an ethnic, linguistic, cultural revival, coupled with the effective moral and economic solidarity produced by cooperative mobilization of the resources of racially conscious individuals, that has brought a national movement to political maturity and given birth to a new state.

The history of Lithuania is intertwined with that of the other Baltic states, but it is also bound up, inseparably, with the fortunes of Poland. In this respect, therefore, Lithuania's past crosses paths not met in the annals of the other Baltic nations, and involves factors distinctly different from those seen in the national evolution of the Esthonian and Latvian peoples. In the history of Lithuania Baltic barons play a minor part; there is no complete conquest by the Knights of the Sword or the Teutonic Order; there is rather the proud tradition of the victory of Tannenberg, of the repulsion of the Christian Orders by the armies of an apostate king, of the pacific Christianization of the country, of the absence of wars of religion, and the even greater glamour of a mediæval Lithuanian empire stretching

from the shores of the Baltic to the Black Sea and bringing a large part of European Russia under its sway.

Such are some of the outstanding features in the annals of the Grand Duchy of Lithuania before the influence of Polish encroachment makes itself felt. Polish ascendancy is, in the later history of Lithuania, as blighting and malign a force as the advent of English authority was to the contemporaneous history of the Irish people. True, there is not in the history of Ireland a formal joining of the dynasties of two states, as produced through the marriage of Hedwig of Poland to Grand Duke Jagellon, in 1386, but the later organic union with the oppressor constitutes in the history of each country a story of force and fraud, connivance and cabal.

Under the Union of Lublin of 1569, against which a large part of the nobility protested, steady encroachment on Lithuanian rights was in evidence. Succeeding Polish rulers violated the terms of that compact with a nonchalance worthy of the Tudors, Cromwell and the Stuarts, or of the Habsburgs in their treatment of Bohemia. The tale ended in the seventeenth and eighteenth centuries in the complete surrender of the fortunes of the Grand Duchy of Lithuania into the hands of the selfish nobility of the Most Serene Republic of Poland. From this flowed the prime evil of cultural denationalization, whereby the Polish noblemen utilized the faithful Polish clergy to spread the Polish language at the expense of Lithuanian, while they themselves became feudal masters of the Lithuanian soil and condemned the Lithuanian population to a deeper serfdom in much the same way that British landlordism was pushed beyond the pale in seventeenth-century Ireland.

Regrettable as this may have been in the history of the Polish and Lithuanian peoples, it is now of interest primarily as the explanation for the cultural retardation of the Lithuanian race. This condition was, as elsewhere in the Baltic, chiefly the product of a feudal system of society, destined for so long a time to play a vital rôle in the fortunes of the entire region. Today, viewed in retrospect, it is regarded as a necessary, if unfortunate, part in the cementing together of the fragile political structure of the Polish state.

The end came with the partitions of Poland, and Lithuania, as part and parcel of the Most Serene Republic, formed, along with her major partner in the forced and unequal union, a vicarious sacrifice to the greed and rapacity of the holy, monarchial, partitioning Powers. Thereafter, up to the hour of national liberation, Lithuania Major, with the bulk of the nation and the historic capital of Vilnius (Vilna), was left in the hands of Russia for denationalization, while Lithuania Minor, with the Hanseatic city of Klaipeda (Memel), became the prey of Prussian masters.

It is not necessary here to treat in detail the fate of the Lithuanians under Prussian control. The prussianization of any people under Teutonic domination was to be expected, but the worst ills from which the Lithuanians in East Prussia suffered were the colonization of lands historically theirs by German peasants, and the gradual submergence of the Lithuanian language as the *lingua franca* of the region. These were the obvious, the inescapable, consequences of prussianization. But not even the most consistent colonization, not even the retention of Lithuanian peasants—happily no longer serfs—on the lands of the East Prussian Junkers, prevented the cultural and linguistic expression of Lithuanian nationality. Although the Prussian schoolmaster brought about the diffusion of German, he also raised the general level of education, paved the way for the literary renaissance of Lithuanian, and helped in the schooling of an intelligentsia that was ultimately to lead the Lithuanian nation out of servitude to foreign masters into the paths of national liberation.

Far different was the plight of those unhappy Lithuanians who became the subjects of the Romanovs. There serfdom continued till the 'sixties, with the populace, under either Polish or Russian landlords, steeped in ignorance and doomed to live in misery. Betrayed, on the one hand, by the nobility of the ancient Grand Duchy, who had become almost completely polonized, and led into linguistic denationalization by the proselyting Polish clergy, on the other, the peasant masses of the Lithuanian nation were bereft of any intelligent middle class which might offer the necessary leadership in the rehabilitation of national

life. What intellectuals Lithuania produced were rapidly drawn into the orbit of Polish nationalism. To such an intelligentsia all hope of amelioration of their condition seemed to lie in the joint action of Poles and Lithuanians against the common oppressor, Russia.

Under the circumstances, imperial Russia was not long in exploiting the differences between the bulk of the Lithuanian people and their wavering intelligentsia. By a differential economic treatment of the two peoples, following the Polish insurrection of 1863, she sought to attach the loyalty of the newly freed Lithuanian peasantry to the Czar by various concessions with regard to the acquisition of land, while punishing vindictively all those—it mattered not whether Polish or Lithuanian—who had attempted by force of arms to recover Polish national liberty. This apparent kindliness of the Russian government to the peasantry at the moment was, however, coupled with unusual severity in other directions, particularly in relation to language. Under the notorious Muraviev, who promised his imperial master to make the Baltic provinces entirely Russian in forty years if given a free hand, the government introduced the most draconian measures, hoping thereby utterly to stamp out Lithuanian nationality.

THE LITHUANIAN NATIONAL MOVEMENT

For forty years following 1864 Muraviev's system of russification was applied, but in vain. The Lithuanian language, which might have survived with difficulty had it been on equal terms with Russian, was galvanized into new vitality by the formal edict against it. The Lithuanian genius threw itself with increasing prodigality into the successful task of propagating the language abroad, and disseminating the contraband literature published in Germany, Switzerland and America throughout the country, under the very noses of the Russian officials. Under the circumstances, as has already been seen, Lithuania Minor came to harbor the leaders among the intelligentsia of the nation, and Tilsit became the Piedmont of the Lithuanian intellectual *risorgimento*. Little did Bismarck care in the latter years of

his ascendancy if he connived at the disruption of Russia by allowing her nationalities the opportunity of cultural expression in the confines of the German Empire. For Germany resistance of the local populations to the processes of russification was a happy augury, as their activity weakened her great imperial neighbor.

During the forty years following the liberation of the Lithuanian peasantry in 1861, despite the strictures on the national language, and despite the assaults of the Orthodox bureaucracy on Lithuanian Catholicism, far-reaching and unexpected progress was quietly made in laying the foundations for national recovery. In the first place, the peasant classes sought with appreciable success to intrench themselves economically by personal acquisition of land on as large a scale and under whatever forms the Russian legal regulations would permit. In this way at least a third of the land passed into peasant hands, and the individual peasant was able at a stroke to emancipate himself from both Russian and Polish landlordism. Through cooperative organization and through funds supplied by countrymen abroad, the Lithuanian peasantry were able at times to acquire lands from Polish proprietors and to colonize Lithuanians thereon, despite counter measures of a similar character attempted by the imperial bureaucracy in the hope of russifying the Baltic lands.

A second factor in the moment for national resurgence was the Lithuanian émigrés, mostly in America and Russia. To America came the large numbers of Lithuanian peasants who could not acquire land in their own country. In Russia, on the other hand, there grew up a bourgeois mercantile and professional class, sons of the peasant proprietors, who, being denied the opportunity of political activity at home, made up for voluntary exile by acquiring proficiency in their chosen vocations. Thus, by a paradoxical set of circumstances, Lithuania's revival was assisted through the development of leaders among her émigrés. But not until the opportune moment should arrive were such substantial forces as a trained and disciplined middle class and a prosperous artizan population to be vouchsafed their opportunity to work for Lithuanian independence.

Meanwhile the religious aspects of russification served to retard the Lithuanian national movement. The Russian government, in attacking the church, which was the only link in common between the Lithuanian peasantry and the Polish landowners, managed to polonize the faithful, and, from the religious point of view, "the policy of russification merely brought water to the Polish mill." The government, through endeavoring to suppress the Lithuanian language, was unable, or unwilling, to extirpate Polish. As a result the clergy promptly utilized their ecclesiastical authority to persuade the Lithuanian communicants to use Polish as their confessional and vernacular tongue. This use of Polish by an ethnically Lithuanian population has served historically to deprive linguistic data in both Poland and Lithuania of all authenticity as bases for the computation of the strength of their respective national forces.

The end of aggressive russification came with the outbreak of the Russian revolution of 1905. The decrees against the use of Lithuanian were revoked and the strength of the national movement quickly made itself felt in the development of a Lithuanian press and literature. With the appearance of an open opportunity for direct political action, political groupings which had been matured since the beginning of the century rapidly came to the fore and manifested the power of the new bourgeoisie and intellectuals to direct the course of future national policy. The fruits of the quarter-century of cultural revival in Lithuania Minor were made manifest. It was not the older generation of upper class landowners, who by instinct and by economic motivation tended to gravitate to the side of the Polish boyars, but a new generation, risen from the soil to assert the vitality of national ideals rooted in a romantic antiquity and glorified by a historic past—a generation determined to redress the wrongs of a century. The efforts at national revival in the seventeenth and eighteenth centuries had failed because they came from above only and did not touch the mass of the nation; now, in the first hours of national consciousness, a movement born of the lower classes and permeating the whole body politic displayed irresistible vigor.

The first fruits of such political manifestations were seen in

the Vilnius Diet of 1905. Here, for the first time in the modern history of the Lithuanian people, representatives of all classes met to formulate their demands and press them upon a cringing but reluctant Czar. Here were gathered the leaders of the intelligentsia like Dr. Basanavičius, who from Tilsit and Bulgaria had carried on the literary renaissance and had come to occupy a position of national eminence above party groupings; here also were the representatives of the Christian Democratic, National Democratic, Progressive, and Social Democratic parties, in part Lithuanian counterparts of other groupings found throughout Russia, in part groups expressive of the distinctive tendencies of the Lithuanian people in language, culture and religion.¹

The resolutions of the Vilnius Diet are of extreme importance, since they clearly indicated the program of Lithuanian nationalism in both its constitutional and international aspects, and set a precedent for the independence movement inaugurated at the outbreak of the World War. Taking its stand on the right of the various nationalities of Russia to self-government, the Diet resolved that the Lithuanians should make common cause with the other oppressed nationalities of the empire and the Russian people themselves:

Only self-government will satisfy the aspirations of the Lithuanian people. Lithuania must therefore be resuscitated within her ethnographic boundaries as an autonomous state in the Russian Empire. Her relations with other Russian states must be established upon a federative basis. Vilnius will be the capital of the country and the seat of parliament. The latter will be elected by general, secret and direct ballot, in which women will also participate.

This program, it will be seen, was far-reaching. It involved constitutional resuscitation of the Lithuania that had under-

¹ "All these tendencies, resting on a democratic basis, represented a general national idea; each of these had the intention of representing all the lower classes of the people, only, thanks to its special preference for one or the other class or for one tendency or another, it separated itself from the others, less in the domain of politics than in regard to methods and philosophical ideas." Klimas, P., *Le Developpement de l'Etat Lituanien*, Appendix I.

gone partition; it meant a restoration of statehood, such as would place Lithuania on a par with the Grand Duchy of Finland in the Russian constitutional system. It defined the territorial claims of Lithuania, in case of any future eventualities which might involve international readjustments; it posited autonomy, as a minimum program and demanded outright the transformation of the empire into a federal state. From a municipal standpoint, it prescribed the internal organization of Lithuania as democratic, the parliament as unicameral, the franchise as liberal and modern. In short, the Vilnius resolutions of 1905 laid down a far-reaching program of a constitutional character, defining the broad lines along which the political evolution of the country should move towards statehood, leaving to the future, then auspicious and promising, the realization of Lithuanian national ideals.

The story of the reaction which followed is familiar. In Lithuania, no less than in all the other border states, the promises of the imperial government were discarded as soon as the crisis of the revolution passed, and, under the Stolypin régime, every endeavor was put forth by the Russian autocracy to restore its vanishing prestige. Various attempts were made to curtail the rights granted, particularly in relation to the acquisition of land; the agrarian bank founded by Stolypin made every effort to thwart Lithuanian land-hunger; agricultural societies were denied the privilege of subsidizing Lithuanians in their acquisition of land.

But the old autocracy could not recover completely from the invasions of its prerogative which 1905 had witnessed. The net gains were the concession of the right to use Lithuanian in the primary schools, the right to publish freely in the Lithuanian language and the right of association, although, under the "state of reenforced protection" which was often invoked, these safeguards became not infrequently illusory. Nevertheless, the national movement manifested itself in the rapid multiplication of agricultural, educational, scientific, literary and artistic societies, in the stimulation of economic life, the establishment of schools and the revival of Lithuanian industry. Despite the electoral arrangements of 1907 which made the votes of three

million Lithuanians count only as much as those of 200,000 Russians, the Lithuanians, by forming electoral cartels with the Jews, secured a representation of almost all the elements of the nation in the Dumas, and these, working continually for their national interests, pleaded in each Duma for the autonomy of Lithuania. As was the case with the other nationalities, the Duma furnished a training ground for national leadership, developed parliamentary leaders and party organization, produced skilled advocates of the national cause, and gave a constitutional outlet for the pent-up feelings of the nation. From 1907 till the outbreak of the World War, the Lithuanian national movement assumed these definite institutional forms, and slowly built up, through a multiplicity of agencies, a solidarity of national feeling capable of withstanding the onslaughts of rival belligerent armies and of enduring the privations and horrors of war.²

THE LITHUANIAN MOVEMENT DURING THE WORLD WAR

The outbreak of hostilities between Germany and Russia in 1914 immediately made Lithuania a theater of war and exposed her to dual devastation. When the Russian armies moved into East Prussia, it was Lithuania Minor that suffered; when the German armies pushed their way eastwards, it was Lithuania Major that immediately became the victim. Along with western Poland, Lithuania bore the brunt of the major operations of the war on the eastern front until the complete conquest of the region in the summer of 1915. The same devastation inflicted by the retreating Russian armies on Courland fell upon already harried Lithuania. The conquering armies of the Central Powers forthwith began to denude the country of its entire resources by a policy of relentless requisitioning. This was

² On Lithuania up to the outbreak of the World War cf. Ehret, Joseph, *La Lituanie, Passée, Present, Avenir* (Paris, 1919), pp. 1-224; Harrison, E. J., *Lithuania, Past and Present* (New York, 1922), pp. 1-74; Kareivis, M., *La Lituanie sous la domination Russe* (Lausanne, 1917), pp. 1-31; Klimas, Petras, *Le Developpement de l'Etat Lituanien* (Paris, 1919), pp. 1-22; and Norus, T. and Zilius, J., *Lithuania's Case for Independence* (Washington, 1918), pp. 1-71.

continued throughout the war and did not end even with the final armistice, as the retiring armies of republican Germany evacuated almost everything portable in their final retreat. The legacy of economic havoc and material destruction which the war bequeathed to Lithuania was equalled only by the physical and moral wretchedness of the inhabitants under alien occupation, or after deportation into the far recesses of European Russia. The leaders of the Lithuanian national movement were scattered, some being left in occupied Lithuania, others remaining in Russia, and still others seeking refuge in neutral territory, particularly in Holland, Sweden, Switzerland and the United States. From these various quarters they undertook the task of securing assistance for the liberation of the Lithuanian nation.³

The question of the future of Lithuania became a dominant one with the outbreak of the war. Once Lithuania became a battle-ground for the contending Powers, it was obvious to both branches of the nation that the position which they had occupied before the war, under Russian and Prussian sovereignty respec-

³ It is impossible to deal here in detail with the various stages of the Lithuanian movement abroad. It may be noted, however, that the first three years of the war witnessed a remarkable activity on the part of the Lithuanian leaders in the neutral countries, in promoting the national cause by conferences, mass-meetings and appeals to their fellow-countrymen at home and abroad, as well as to neutral and belligerent opinion, official and unofficial. The agitation began with the Chicago Congress (October 21-22, 1914), which demanded the union of Prussian and Russian Lithuania, declared for Letto-Lithuanian federation, affirmed the international character of the Lithuanian question and invoked the right of peoples to self-determination as the basis of the demand for the creation of a Lithuanian state. Subsequent conferences at Berne (August 3-4, 1915; March 1-5, 1916), The Hague (February, April 25-30, 1916), Lausanne (February, 1916), and Stockholm (October, 1917), furthered political action by centralizing all Lithuanian activities under one Supreme National Council, correlating activities at home and abroad, and openly demanding, in March, 1916, "absolute freedom and the restoration of Lithuania as an independent and sovereign state." It is interesting to note that the demand for full-fledged independence antedated the outbreak of the Russian revolution by a year. In that year the movement wavered between independence and federation with Russia. After the March revolution, however, the independence movement gained full sway, as in the other Baltic countries.

tively, could not be restored by the conclusion of peace. Forthwith came the demand from Russian Lithuanians for the union of both parts of their country under the Russian crown, a demand which the Russian foreign office was not long in pressing upon the other allied Powers. From the German side came the demand for the annexation of a united Lithuania to the crown of either the empire or one of the major component states. On neither side were the internal political interests of the nation given the slightest consideration. They did not comport with Russian imperial policy; they ran counter to the German plans for a rehabilitated Balticum under Germanic control. Hence, during the German occupation, the military authorities endeavored to suppress every vestige of nationalist agitation, at the same time conducting the most intense propaganda in favor of the annexation of a buffer Lithuania to a protecting Germany.

It remained for the Russian revolution to unleash the disruptive forces which would make a real solution of the Lithuanian problem possible. On the very eve of the revolution the Lithuanian deputies in the Duma, who had pressed their demands for political autonomy on the imperial government in vain, met in Petrograd to plan the creation of a Lithuanian National Council, representative of the principal political parties. Once such a body had been created, demands were put forth for the right of the Lithuanian nation to decide for itself its political fate and destinies. It is clear that the ferment of self-determination was working even before the bastions of autocracy fell.

Power had scarcely passed from the hands of the Czar into those of the Duma and the Petrograd soviet when the already constituted Lithuanian National Council at Petrograd took action. It sent formal notification of its existence to both the partners in the revolutionary dyarchy, and created a provisional administrative committee to care for all Lithuanian institutions in Russia.⁴ The committee was further empowered by the

⁴ This action, it should be noted, was taken without the sanction of the provisional government, thereby differing from that of the Poles, whose liquidation commission had the full approval of the Lvov and Kerensky régimes. The Lithuanian provisional administrative committee therefore

National Council to do what it could for the reconstruction of devastated Lithuania.

Naturally, the provisional government treated this ambitious body coldly, only to reap ultimately the same harvest produced by the neglect of the other non-Russian nationalities. Within three months a general conference of Lithuanians at Petrograd was demanding that all ethnographic Lithuania should become an independent state, that representatives of Lithuania should take part at the peace conference, and that a constituent assembly, convoked according to democratic principles, should be called upon to settle Lithuania's internal affairs. Such was the general point of view of even the more conservative parties; but, unfortunately, the Social Democrats, Populists and other elements more favorable to a rapprochement with the provisional government failed to concur unanimously and, although passing somewhat similar resolutions, broke the ranks of Lithuanian solidarity, only to fall a prey, later on, to their mutual recriminations. Under the circumstances the provisional government could well pretend to ignore the Lithuanian claims. It was obvious, however, that the great preponderance of the population, being both clerical and conservative, gave unstinted support to the demands for complete liberation.

The crisis for the provisional government was precipitated by the demands of both the Lithuanian National Council and the Lithuanian soldiery in May, 1917, for an immediate decision in regard to the solution of the Lithuanian question. To Poland, to Finland, even to Esthonia, promises had been made without a similar pronouncement as regards Lithuania. Had the provisional government been willing to accede to this demand, an entente would have been possible, and the final ratification of the decisions of a Lithuanian constituent assembly would have been left to the all-Russian constituent assembly. But the provisional government demurred. Only by conceding minor Lithuanian claims, in order to whittle down the authority of the

lacked the legal status with which the Polish commission was endowed—a fact which materially hampered its activities—and enjoyed only what moral authority its distinctive national character and the personal influence of its members could command.

Polish liquidation commission, did it even by implication admit the validity of the Lithuanian contentions. Having, therefore, refused to yield to a position which might have left to the Lithuanian nation a freer opportunity to work out its own destiny under Russian supervision, it paved the way for German endeavors to control the fortune of the resurrecting nation.

German political inventiveness had long been concerned with the problem of the *Ober-Ost* and the possibilities of exploiting the differences between national minorities and of relying on the solidarity of the German-Balts in order to create a new, and German-dominated, Lithuanian state. When, therefore, the Russian provisional government discarded its golden opportunity, the agents of the imperial German government sought to convoke a council of men of confidence whom the occupying authorities might transform, as in Poland, into a state council capable of conforming to German designs. The attempt was an utter failure. Two years of the German scourge had convinced the Lithuanian nationalist leaders of the sinister designs behind German advances.

Now that Russia appeared to be fast approaching dissolution, it was imperative that the nationalist leaders organize the nation in order to save it from becoming the prey of anarchy in case the occupying forces should withdraw. Accordingly, with considerable caution and trepidation, the handful of leaders left in Vilnius by the retreating Russian armies met at the beginning of August, 1917, to lay plans for a representative organization of Lithuanians on Lithuanian soil. The result was the now famous conference of Vilnius, a rehabilitation of the Vilnius Diet of 1905 in form, and thoroughly representative of the leaders of the national movement.⁵

The Vilnius Diet met at an auspicious moment, when vigorous and clear-cut action was demanded by the necessities of the

⁵ On the effect of the World War and the German occupation on Lithuania, cf. Bartuska, Dr. V., *Observations . . . de voyage dans . . . la Lithuanie occupée* (Lausanne, 1918); Gabrys, J., *L'Etat Lituanien et Mittel-Europa* (Lausanne, 1917); Klimas, Petras, *Le Developpement de l'Etat Lituanien, passim*; "Pro Lithuania," *The Misery of the Lithuanian Refugees in Russia* (Lausanne, 1916); Rivas, C., *La Vie Publique en Lituanie occupée par les Allemands* (Geneva, 1917), *Lituanie et Alle-*

international situation. It was a gathering of some two hundred and twenty leaders, carefully selected for their loyalty to the national movement at a time when the occupying authorities were endeavoring by every means to seduce the nationalists into acceptance of a Germanized state. It had to face the situation created by the vacillation and evasiveness of the Russian provisional government, by the demands of the Lithuanian soldiery in Russia and the Lithuanian nationalists abroad. To move for independence under the very eye of the German authorities was exceedingly perilous, but there appeared to be no other alternative. Abandoning all halfway courses, the Vilnius Diet declared that Lithuania must become an independent, democratically organized state within its ethnographic boundaries, and must assure national minorities the necessary conditions for their cultural development. Recognizing its own impotence to commit the nation to a final course of action, the diet demanded the convocation at Vilnius of a constituent assembly elected on a democratic franchise to make a final decision on the nation's constitutional régime and international status. Faced by the problem of defining the relations of the Lithuanian state to its neighbors, the diet resolved, under heavy political pressure from the occupying authorities, to commit the nation, in the most tentative way, and *without prejudice to its independent development*, to diplomatic and conventional relations with the German Empire.

That Lithuania should find this immediately necessary seems, in post-war retrospect, almost inevitable. To the allied world at the time, the accounts allowed to percolate through German censorship came highly colored and with a Teutonic flavor, and revealed Lithuania as a vassal Germanic state. In reality, none fought more seduously against a permanent commitment to a Germanic connection than did the Lithuanian leaders, and only

magne (Lausanne, 1918), *Visées Annexionistes Allemands sur la Lituanie* (Lausanne, 1918), and Viscont, Antoine, *La Lituanie et la Guerre* (Geneva, 1917). The course of the national movement during the war is dealt with *in extenso* by Ehret, *op. cit.*, especially pp. 225-268; Klimas, *op. cit.*, *passim*; Harrison, *op. cit.*, Chapter VIII, pp. 85-96; Norus and Zilius, *op. cit.*, pp. 71-96.

reluctantly, as later events proved, did they enter into relations with the sole belligerent power that proffered assistance.

The agency through which the Lithuanian leaders were prepared to act was the Taryba, a conciliar organ of twenty members embodying the best talent of the nation, chosen by the Vilnius Diet from all political parties and empowered to conduct all governmental negotiations pending the convocation of the constituent assembly at the close of the war. From this point on, the hopes of Lithuanians everywhere were focussed on the Taryba; it received recognition from the Lithuanians in Switzerland, America and Russia, and became the arbiter of the destinies of the nation, the nucleus of a national government. Thus, by taking the initiative at a critical moment, the Taryba crystallized about it the latent strength of national feeling and was enabled to act as the sole representative of Lithuanian aspirations, the embodiment of national hopes.

Thus far the program carried out by the Vilnius Diet had been along the line of that of its predecessor of 1905. It will be noted that though the earnest resolutions *demand*ed an independent state, they did not *proclaim* one. All that had been done was to outmaneuver the German occupying authorities while waiting for events to crystallize in Russia and abroad. On the accession of the soviet government to power, all hope of the irresolute that some form of an organic union with Russia might be maintained was shattered. In consequence, when the Lithuanian National Council at Petrograd had been suppressed by the Bolsheviks, another was established at Voronezh to define the attitude of the Lithuanians in Russia toward the Taryba.

This body, in which all but the extreme Left parties were represented, accepted the resolutions of its predecessor in Russia, along with the resolutions of the Vilnius Diet, as the basis of its own action. It recognized in the Taryba a supreme organ expressive of the general will of the Lithuanian people—to found an independent and democratic Lithuanian republic. Bearing in mind the general trend towards self-determination, the conference declared that the Lithuanian demand for independence must be based on both historic states rights and the general principle of self-determination, and resolved that this claim

should be brought before the powers for recognition. It further outlined the territorial claims of the country from a standpoint of economic life and demanded free access of Lithuania to the Baltic Sea, thereby capitalizing a Wilsonian idea of which the Poles had theretofore been the principal beneficiaries. While reserving for a Lithuanian constituent assembly final ratification of all national acts, the Voronezh conference demanded clearly the application of a system of guarantees of civil liberty, the protection of national minorities, the concession of universal, equal, secret and direct suffrage with proportional representation without distinction of sex, religion or nationality.

After outlining this far-reaching general constitutional and international program, the Voronezh conference turned to the task of its achievement. Recognition was to be demanded at once, as well as admission to the peace conference; to the Taryba must be left the administering of the country until the convening of the constituent assembly. The evacuation of Lithuania by the German armies, the return of deported persons and prisoners, restoration of property and treasures of art, payment of reparations for war damages were all imperatively demanded.⁶

The Voronezh program far exceeded the modest declarations of the Vilnius Diet or the hard-pressed Taryba. It first synthesized the claims for Lithuanian independence by demanding both what could be obtained from state rights and what might accrue from self-determination. In the second place, it was the first to identify the Lithuanian cause with republicanism, as might have been expected in revolutionary Russia. Thirdly, it demanded guarantees of civic freedom—a demand which the muzzled Taryba could not utter—and, lastly, it laid down the concrete bases of peace. It is a striking tribute to the political foresight shown at Voronezh that the solution of Lithuania's problems, though long delayed, has followed almost without deviation the lines there laid down. The rival program of Letto-Lithuanian federation, emanating from America, ignored linguistic and religious realities; that of monarchy, inspired at

⁶ Doubtless the leaders at Voronezh, in view of the Bolshevik peace aims, anticipated a speedy termination of the war, as this fourfold program of recognition, reconstruction, restoration and reparation reveals.

Berne by the Central Empires, ran counter to the entire tradition of the Russian revolution. The Voronezh program may justly be said to have furnished chart and compass for subsequent Lithuanian constitutional development. In contrast with contemporary trends in Poland, it reveals admirable statesmanship and a constitutional consensus which Poland was unable to exhibit until long after her formal unification.

THE ACHIEVEMENT OF INDEPENDENCE

While programs were being planned at Voronezh, history was being made in Petrograd and Brest-Litovsk. To anticipate Germany once more in her political manœuverings, the Taryba, by a resolution of December 11, 1917, claimed "the reconstitution of an independent Lithuanian state with Vilnius as its capital, and its enfranchisement from all political ties which have hitherto bound it to other nations." In this resolution nothing was said about a constituent assembly, but a separate resolution, whose wording reveals the dire pressure of the German authorities, besought German aid during the period of reconstruction—aid to take the form of "a perpetual and solid alliance of the Lithuanian state with the German Empire, an alliance which should find its principal realization in a military and economic convention and a customs and monetary union." It is evident that the independence conceived of by the Taryba and that conceded by the occupying authorities were two different things. In any event, the die had been cast, and for the moment the Taryba sought merely to force a recognition of independence before the proceedings at Brest-Litovsk should have an opportunity to close the door to Lithuanian national aspirations.

If the German authorities construed the silence of the Taryba's resolution to be equivalent to an abandonment of the Vilnius and Voronezh programs as regards a constituent assembly, they were destined to utter disappointment. When the Taryba discovered from the Brest-Litovsk negotiations the fate to which imperial Germany was consigning the country, it revived the prior and paramount authority of the promised constituent body,

and in the now recognized official declaration of independence of February 16, 1918, returned to the resolutions of the Vilnius Diet as the bases for a democratically organized independent Lithuanian state.

To the occupying authorities the February declaration was "revolutionary," as it sought to completely frustrate the aims of the imperial government and to postpone the definitive solution of Lithuania's problems until the convening of a constituent assembly at a far distant date. To the Lithuanian nation at large it was evidence that Lithuanian nationalism could not be purchased by a German bribe. To the Taryba the declaration meant the opportunity of once more defeating German aims by forestalling the occupying authorities. This produced, however, a month's diplomatic deadlock with Berlin which was broken only by the formal rescript of the Kaiser on March 23, 1918, according recognition on the basis of the December resolution. The situation was far from satisfactory to any of those concerned, but, as the Taryba held insistently that its silence in December did not conflict with its opinions in February, the Reich had to be satisfied, though a juridical quarrel between the imperial government and the Taryba continued till the armistice.

The recognition accorded by the German government brought no response from the allied world. Russia was prostrate and unable to act either for or against Lithuania. It was left to the Taryba to continue the battle against the demands of Germany, although on somewhat different grounds. No sooner had recognition been granted than Germany endeavored to force a monarchical régime and a German prince upon the country. All the fatuous schemes for a personal union with the Prussian crown, a real union with the Reich, with Prussia, Saxony, etc., were revived in the last imperialistic hour of German military success. But here German strategy overreached itself, and produced no little discord between the member states of the empire. Such was the overweening ambition which eventually left the designs of German statecraft stranded in the hour when the tide of military victory receded.⁷

In view of the apathy of the outside world, and of the strong political pressure from German civil authorities, seconded by the German Center Party, the Taryba finally felt, in June, 1918, that it must act to circumvent the German occupying authorities once more and to assert its authority anew. Accordingly, on June 4, 1918, it proclaimed a short monarchical constitution and invited to the throne of the Kingdom of Lithuania, William of Urach, Duke of Wurtemberg, a lineal descendant of the old Lithuanian nobility tracing his ancestry to the early Lithuanian Grand Duke Mindaugas I. He was asked to assume the throne as Mindaugas II. After the acceptance of Duke William, the Taryba, on July 11, 1918, proclaimed itself the Lithuanian Council of State and reiterated the offer, which was again accepted. However, as will shortly be seen, Duke William never assumed the throne.

This apparent change of front and deviation from the Voronczh program was puzzling to the outside world. To those in occupied Lithuania, however, the reasons for the adoption of a monarchical régime were most cogent.⁸ The various German political parties, particularly the clerical groups, had made assistance to Lithuania completely contingent upon the adoption of a constitutional monarchy. In addition they insisted on a Catholic dynasty—a fact which proved most embarrassing to the Hohenzollerns—and a German prince. The Taryba, hard pressed

great an increase of power and influence for some among them. The Bundesrat resolved, in consequence, to establish the equilibrium of the different states in such fashion that occupied Lithuania should come by way of compensation to Saxony, Alsace-Lorraine to Bavaria, and Courland to Prussia." *Le Développement de l'Etat Lituanien*, xli. This did not, however, end their quarrels.

⁸ "In order to make clear its own position, the Taryba, on December 8, 1917, while leaving to the Lithuanian constituent assembly the definitive solution of the question, held that *at the moment*, a constitutional and hereditary monarchy, with a Catholic dynasty and a parliamentary, democratic régime, seemed to best correspond to the needs of the Lithuanian state. Furthermore, in view of the special conditions obtaining in Lithuania, the majority of the members of the Taryba saw in a constitutional parliamentary monarchy a surer guarantee for the country itself and for the maintenance of order in the new state to be organized on democratic bases than in a republic. In the month of July, 1918, these motives were supported by the urgent necessity of organizing a government in Lithuania, which must absolutely have a tried régime long practiced by existing states." Klimas, *op. cit.*, p. xliii.

by the Centrist politicians acceded in form, although not fully in substance, to the request. The election of a ruler was regarded as of a temporary nature, to be confirmed by a constituent assembly; the monarchy was to be democratic and intensely national; the ruler was to be a Catholic, but a Lithuanian Catholic, a German noble by artifice only, and not in any sense a person at all intimately connected with any of the ruling dynasties of the Reich. It was contended by the majority of the Taryba that the tasks of government incumbent upon it were too varied for a deliberative body to execute, and that a real executive was necessary. Furthermore, the Lithuanian leaders were in no mood to accord the puppet Polish Regency Council the flattery of imitation.

The venturesome step of deciding upon the form of government and the very ruler to ascend the throne was not taken without internal dissension in the Taryba. Seven of its twenty members declared that only the constituent assembly could act with authority; four regarded themselves as too republican to sacrifice by this action the principles of the Vilnius Diet of 1917, hence they withdrew from the newly formed Council of State. On the other hand, the majority of that body held it had been commissioned to obtain and protect the independence of the country, and that if the election of a monarch would subserve these ends, the Council of State was justified in taking action. To preserve intact its integrity, the Council forthwith coopted four new members, all of moderate tendencies, to replace those whose republicanism had precluded compromise and further participation in a royalist council.

To the end of the war, the Council of State found the occupying authorities absolutely intractable, unwilling to recognize its authority, and disputing its every act. Thus the quarrel between the German government and the Lithuanian leaders lasted, on both diplomatic, constitutional and administrative grounds, till the armistice. Then, on November 2, 1918, the Council of State retracted its act of election, and resolved to confide to the future constituent body the final choice of the form of government. This healed the breach between monarchist and republican elements, and indicated that, as the pressure from

outside was removed, a return to constitutional normalcy was to be expected.

The constitutional consequences that followed the end of German domination were not slow in appearing. Even before the end of the old régime in the Reich, Prince Maximilian of Baden had announced to the Council of State that the administrative services in Lithuania would shortly be handed over to its care, and the Council forthwith made preparations. Then, having revoked the arrangements for the monarchy, and left the final decision as to the form of government to the constituent assembly, the Council of State drew up a provisional constitution outlining the principal functions of the government and the agencies to perform them. Following the example of the provisional national assembly of German-Austria,⁹ the Lithuanian Council of State considered itself the legislative body, elected a triumviral presidency, and selected a cabinet, headed by Professor Augustas Voldemaras. The real president was Dr. Antanas Smetona,¹⁰ who, as the chairman of the Taryba and later of the Council of State, had been the principal champion of Lithuania against the exactions of the occupying authorities. For this position, as for the presidency of the state, to which he was chosen in April, 1919, Smetona was admirably fitted by a broad education, a versatile experience as an editor, an organizer of Lithuanian national societies and a leader in the independence movement after 1905. The Voldemaras ministry displayed creditable activity in organizing the national administration and attempting to reach understandings with the Polish, Jewish and White Russian national minorities. It commis-

⁹ Cf. *New Governments of Central Europe*, pp. 132-134.

¹⁰ Antanas Smetona was born in 1874 and graduated in law at the University of Saint Petersburg in 1902; thereafter, as barrister and journalist, he practiced at Vilnius. Elected a member of the presidium of the Vilnius Diet in 1905, he continued for a decade with Dr. Basanavičius the leadership in the nationalist movement. Successively president of the Lithuanian War Victim Committee, of the Vilnius Diet of 1917, of the Taryba and of the Council of State, he was chosen provisional president of the republic in 1919. After serving as high commissioner of Lithuania in Klaipeda (Memel) in 1923, he retired to his professorship in the University of Lithuania. Emerging once more into politics in 1926, he was elected as a nationalist deputy to the third Seimas; after the *coup d'état*, he became president of Lithuania once more on December 19, 1926.

sioned various leaders to represent the new state abroad and obtain recognition for it, and prepared an imposing delegation for the peace conference. Despite her exhausted economic condition, the legacy of the German occupation, Lithuania appeared to be at the beginning of national rehabilitation.

Nevertheless, various factors interposed to prevent the consummation of Lithuania's desires. In the first place, the country found itself at the end of the World War surrounded by enemies. On the west, the German government, though militarily prostrate on the western front, did not remove its Baltic troops at the demand of the allies; from the east, the Russian government, anxious still to spread communism by the sword, advanced, as elsewhere in the Baltic, in the wake of the retreating German armies, to establish the Lithuanian soviet. On the south, newly liberated Poland, intoxicated with victory, saw in the lands to her north fancied irredentas to be snatched from either indigenous or Bolshevik rule. Thus Lithuania faced foes on three fronts and found no friends to sponsor her cause at Paris. At the peace conference her two ancient oppressors were denied entrance but it became the historic lot of Poland, who had been befriended by the allies, to expound to susceptible statesmen the most roseate versions of her own future beneficent rôle in Europe. Under such circumstances, Lithuania not only had no allies, but found her principal political antagonist, already engrossed in denying Ukrainian claims to independence, ready to contest, by all the means at her disposal, the ethnographic claims of the Lithuanian nation.¹¹

¹¹ The territorial claims of the Lithuanian government, as presented to the Peace Conference of Paris, are found in the official *Mémoires de la Délégation de Lituanie à la Conférence de la Paix* available in mimeographed form in the Hoover War Library. Other publications stating the Lithuanian claims are: Bartuska, Dr. V., *L'Etat Lituanien et le Gouvernement de Suwalkai* (Lausanne, 1918); Gaillard, Gaston, *op. cit.*, pp. 134-139; Harrison, *op. cit.*, pp. 15-36; Purickis, Dr. J., *L'Etat Lituanien et le Gouvernement de Gardinas*; Purickis, J. and Rozenbaum, S., *Les Territoires Litaniens: Considerations Historiques Ethnographiques et Statistiques; Le Gouvernement de Gardinas* (both Lausanne, 1918, 1919); Samislawski, *Memorandum on the Political Relations in the Vilna Government under Russian Rule* (Vilnius, 1918), and the *Petition respectueuse des Litaniens de la Prusse Orientale aux Gouvernements et à M. le Président des Etats-Unis d'Amerique* (Paris, 1919).

CHAPTER XII

THE RECONSTRUCTION OF LITHUANIA

THE CREATION OF CONSTITUENT AUTHORITY: *Internal Consolidation—The Provisional National Assembly—Dovydaitis and Sleževičius—The Provisional Constitution—Constituent Elections of 1920—Political Parties: (1) The Christian Democrats—(2) The Populists—(3) The Social Democrats—(4) Minority Groups.* DIPLOMATIC SETTLEMENTS, 1920-1923: *Negotiations with Russia—The Treaty of Moscow—De jure Recognition—Negotiations with Poland.* AGRARIAN REFORM: *Preliminary Efforts—Law of February 15, 1922—Social Effects of the Reform.* THE LITHUANIAN CONSTITUTION: *Experience Under Provisional Constitution—Preamble—Fundamental Principles—Bill of Rights—Minority Rights—National Defence—Education—Religion—Social and Economic Policy—The Seimas—The President—The Cabinet—Local Government—Judiciary—Amendment—General Characteristics.* CONTEMPORARY POLITICS IN LITHUANIA: *Election of Stulginskis—The First Seimas—The Second Seimas: Galvanauskas—The Christian Democratic Bloc: Tumenas, Petrulis and Bistras—Third Sleževičius Ministry and the Third Seimas—Financial and Economic Reconstruction—Local Government Law—Recent Judicial Reform—Foreign Relations: The Klaipeda Settlement—Baltic Cooperation—Unfinished Tasks.*

THE CREATION OF CONSTITUENT AUTHORITY

WITH the signing of the armistice on November 11, 1918, the German menace was over, but the problem which Russia presented remained. With the same aggressiveness as characterized their advance into Latvia and Esthonia, the armies of the Russian soviet marched into Lithuania, occupied Vilnius, and forced the Voldemaras cabinet to flee to Kaunas in the opening days of 1919. From this Valley Forge the Lithuanian government undertook the clearing of the Bolsheviks from the remainder of the country. With a measure of allied aid, the major part of the country was delivered in four months from Bolshevik rule. Hostilities continued, however, till the end of 1919 and on through the initial stages of the Russo-Polish war. In this year of travail, the Lithuanian government undertook the beginnings of financial reconstruction, local organization, land reform, the reforming of the legal system of the country and

made provision for a more complete instrument of government. This work was hampered by military operations, but represented substantial achievements under distinctly unpromising conditions. In these arduous tasks the country was supported by the intense feeling of national unity pervading the populace, the *union sacrée* of a people facing enemies in all directions.

It was soon apparent under these trying circumstances that among the Lithuanian populace monarchism had not struck root; republicanism was natural and unfeigned. To reinforce the authority of the Council of State, however, it was thought necessary to convoke a new general assembly which should validate the acts of the Taryba and Council, and broaden the legal powers of the government. Despite the adverse conditions, a provisional national assembly of some 200 members chosen or named by mass meetings in the communes, parishes, villages, towns and cities gathered at Kaunas from January 17-23, 1919, at the height of the soviet incursion, and began the reconstruction of the government. It agreed in principle upon the draft of a republican constitution, but, in view of the dangers which might come from a vacancy of power, the presidium of the Council of State was retained as the executive. It further received formal reports from both the cabinet and the Council of State concerning their activities since the inception of each body, gave its approval to the actions of the government, re-elected the former members of the Council of State, and added eight new members, mostly representatives of the working classes.¹ This done, the impromptu national assembly disbanded, never to convene again.²

¹ The Council of State had, immediately on the formation of the Volde-maras cabinet, coopted three representatives of the Jewish population and six of the White Russian populace, these delegates having been themselves elected by mass-meetings of the community in various localities. The Council of State thus had 29 members before the new proletarian increment was added, bringing the total membership to 37. The significance of this move to give the lowest classes of society equivalent power with any other group cannot be over-estimated, as it was a direct counter-blow to Bolshevism and class dictatorship.

² Criticism of the composition of such a national assembly can hardly be valid in view of the similarly extra-legal character of the Czechoslovak provisional national assembly or the Hungarian and Yugoslav national councils, which promptly received allied support and ultimate recognition. It

The first effect of the expansion of the Council of State was to force a readjustment in the cabinet, as the Council now contained a distinct clerical majority. The effort of this majority was to stem the tide of constitutional socialism which had set in with the November revolution in Germany and had been reflected in the Voldemaras and Sleževičius cabinets.³ This led in March, 1919, to the creation of a conservative ministry excluding all the Left parties, under the presidency of Pranas Dovydaitis, a Christian Democrat, which governed the country for two months. When considerable internal friction developed in the Council, Dovydaitis gave way to a second ministry under Sleževičius, a coalition embracing all except the communist elements in the country. This "ministry of all the talents" undoubtedly contained the men of the greatest eminence in the country and commanded much greater respect abroad than had its predecessors. Its formation coincided with the elevation of Smetona to the presidency, which added further to the nation's prestige in foreign countries.

With the forming of the second Sleževičius coalition came the passage on April 4, 1919, of the provisional constitution, a brief, simple document proclaiming Lithuania's legal republicanism. In eight short sections it defined the republican and democratic character of the Lithuanian state, substituted for the awkward triumviral presidium a single executive chosen by the reorganized Council of State, and provided for a responsible ministry. It also set forth a succinct bill of rights, laid down the prescriptions for the convocation of a constituent assembly, and determined the elemental norms of national finance. In short, it legalized the existing institutions of government but sought in no way to undertake, in an essentially transitional document, far-reaching commitments regarding economic life. It is one of

will be noted that this Lithuanian body did not claim constituent authority, while both the Czech and Yugoslav bodies did. Cf. *New Governments of Central Europe*, pp. 208-9, 279, 342-344.

³ Augustas Voldemaras, a Lithuanian historian, formed the first Lithuanian cabinet on November 11, 1918. On the departure of Professor Voldemaras for Paris, December 28, 1918, Dr. Mykolas Sleževičius, a Populist, assumed the premiership of the coalition cabinet.

the tersest of the provisional constitutions of the post-war régime, and distinguished by its lucidity of expression.

Under its provisions the government weathered the military hardships of 1919 and prepared for the constituent elections as soon as the prospect of peace with Russia was in sight. Lithuania joined with the other Baltic countries in the preliminary Baltic conferences when Esthonia determined to make her peace with the soviets. But she refrained from entering into peace negotiations until Piip and his colleagues had broken the ice diplomatically and had signed the Treaty of Tartu. Then it became possible for Lithuania to send her own missions to Moscow, almost concurrently with those from Latvia, and to follow her Esthonian neighbor in the ways of peace.

Meanwhile, in compliance with the pledges of the Voronezh program, Lithuania created her constituent assembly. An electoral law providing for universal, equal, direct and secret suffrage, with a scheme of proportional representation not unlike that in use in Belgium under the D'Hondt plan, was passed early in 1920. On April 14-15, the elections were held, though the parts of eastern "ethnographic" Lithuania then under Polish occupation were prevented from voting. In the regions under Lithuanian control the voting was exceptionally heavy, the general average throughout the country being 85 per cent., and running in some districts to 92 per cent. The resulting constituent assembly was therefore as full an expression of the national will as could well be secured in so crucial a situation. Over half the members elected were university graduates and almost a fourth more had had secondary schooling. About half the assembly was of bourgeois or bourgeois-clerical complexion; the remainder was made up of either peasants or laborers. The notable feature of the group was its utter lack of privileged members of a noble class; the Radziwills and Sapiehas of the old Lithuanian nobility were sitting at Warsaw. Thus, very fortunately, the Lithuanian nation was spared from the beginning the presence of an aristocratic class.

From a partizan standpoint, the complexion of the constituent body was simple. Out of 112 members, 59 belonged to the Christian Democratic Party, a grouping which embodied both

clerical and nationalist elements. The rôle of the party since the Vilnius Diet of 1905 had been one of stern insistence upon the ecclesiastical rights of the Lithuanian faithful; it had fought for the national language; its representatives among the clergy had strongly instilled the national idea in their congregations. Resentment against the polonizing influences of the Polish clergy in Lithuania had made the party strongly anti-Polish and intensely nationalist. It also stood steadfastly against communism as subversive of the morale of the nation. Its principal tenets therefore were those of insistence on Lithuanian independence, republicanism, Catholicism as the state religion, and agrarian reform as the antidote to Bolshevism. Recognizing the sanctity of human life on the one hand, it stood for broad, but moderate, social reforms; on the other hand, it upheld the sanctity of private property by insisting upon the principle of compensation in connection with agrarian reform. Drawing its strength from the countryside, the party was predestined, in a largely peasant, agricultural country, to assume national preponderance, and to participate in the formation of every cabinet. It may fairly be said that the party has been the backbone of the Lithuanian government since its inception.

Second in strength in the constituent assembly were the Populists, who commanded twenty-nine seats. While representing approximately the same elements of the nation socially, the party was divorced from any religious connotations. Its principal tenets have been those of agrarian reform and the general favoring of the peasant classes. Traditionally supporters of democracy—as evidenced by their previous stand in the Russian Dumas—after the proclamation of independence, their principal effort was to guide the country into democratic channels, adopt republicanism and carry out gradually, but comprehensively, the much needed distribution of land. In Lithuania the Populist party was destined from the outset to be the principal ally of the Christian Democratic bloc in the formation of the final fundamental law and the enacting of agrarian reform.

The last of the major parties in the assembly was the Social Democratic group, thirteen strong, representative of the urban

workers and those engaged in industry generally. In view of the agrarian character of the country the Lithuanian Social Democrats were bound to be a weak minority party, highly class-conscious, but not able to make an appeal to a large portion of the populace. Their program, like that of the majority socialists in Germany, was one of slow, graduated, constitutional socialization; in many respects they were the Lithuanian counterparts of the Russian Mensheviks. While sympathetic with the efforts of the Russian people at creating a democratic government, the party was sufficiently tinged with national feeling and with a consciousness of the value of private property in human civilization to abstain from Bolshevism. Hence the communist fringe it possessed in the opening days of the Russian revolution presently disappeared.

Such were the Lithuanian elements in the constituent assembly. Ten minority representatives, comprising six Jews, three Poles and one German, completed the body. It is significant of the homogeneity of the Lithuanian population that only 10 per cent. of a body elected according to proportional representation should consist of national minorities. The absence of White Russians from the assembly is accounted for by the occupation of their territory by Polish troops in the auspicious early months of the Russo-Polish war.⁴

DIPLOMATIC SETTLEMENTS, 1920-1923

Possessed of a responsible constituent authority, it was possible for Lithuania to make her peace with Russia. The soviet government had made overtures repeatedly to the Baltic countries, and when Esthonia and Latvia had started to negotiate,

⁴ On the period from the end of the German occupation to the election of the constituent assembly material is very scant. The military and diplomatic side of Lithuanian policy is paramount; constitutional development receives little, if any, treatment. The best official account is found as Document 2 of Section 4 of the official *dossier* of documents presented by the Lithuanian government to the peace conference, entitled "La formation et le caractère du Conseil d'Etat de Lituanie." This is the only account of the provisional national assembly. On the early cabinets and political parties, cf. Ehret, *op. cit.*, pp. 260-267 and pp. 401 ff.; Harrison, *op. cit.*, pp. 93-96; Norus and Zilius, *op. cit.*, pp. 66-70.

Lithuania, as has already been noted, found it advantageous to follow. Furthermore, it was recognized that vacillation and hesitation in accepting the proffers of Russia would only tend, from the Russian standpoint, to make Lithuania an open accomplice of Poland in her schemes for aggrandizement. Accordingly, the Lithuanian delegates made their way to Moscow in the spring of 1920 and on July 12 signed the Treaty of Moscow, by which the state of war between Russia and Lithuania was terminated and peaceful relations were resumed.

The Treaty of Moscow is closely akin to the other settlements, following largely the pattern of the Treaty of Tartu, signed by Esthonia, and even more closely paralleling the settlement reached shortly thereafter between Latvia and Russia at Riga. That the signature took place in Moscow is no indication of abject capitulation to the demands of the soviet; rather is it an evidence of the sincerity of soviet diplomacy, as neither the fact of soviet victories in the west at the moment of signature, nor the possibility of easy conquest of Lithuania dissuaded the Russian delegation from seeking peace. Furthermore, the identity of treatment, for general purposes, meted out to the three Baltic republics reveals that the soviet plan was based on fixed principles, not subject to revision by reason of a change in military fortunes during negotiations. For these negotiations Lithuania sent to Moscow her leading diplomats, Naruševičius, Klimas and Rozenbaum, the latter two having done serious work at the Peace Conference of Paris and being thoroughly familiar with the principles of the settlements there reached. Thus while an insane peace was being meted out to Turkey at Sèvres under the older pattern of the allies, Russia completed her second settlement on an equitable and sane basis. The duration of the Treaty of Sèvres as compared with that of Moscow speaks for itself regarding the merits of the respective settlements.

It is hardly necessary here to do more than give the gist of the final treaty.⁵ It reaffirmed "the right . . . of all nations to free self-determination up to their complete separation from the state into the composition of which they enter," Russia recognizing on this basis, and without reservation, "the sovereign

rights and independence of the Lithuanian state, with all the juridical consequences arising from such recognition." Thereby the soviet government abandoned forever, and voluntarily, "all the sovereign rights of Russia over the Lithuanian people and their territory." After defining the frontier in common with Russia and leaving Poland's frontiers with Lithuania and Lithuania's frontiers with Latvia to be fixed by independent negotiations of the parties concerned, the treaty pledged both parties not to permit on their territory any governments, organizations or groups hostile to the other, and to prohibit the exportation or transportation of munitions of war to countries at war with either of the signatories. Other provisions of the treaty governed nationality, debts, return of property, restitution of archival and other material, release of Lithuania from obligations to the Russian treasury, and so forth. Finally, provision was made for the establishment of consular and diplomatic relations and the negotiation of commercial and transit traffic agreements.⁶

From a juridical standpoint, Lithuania's international position now seemed assured. The last legal obstacle, under ordinary theories of international law, to her *de jure* recognition had been removed and she expected full-fledged international recognition to follow. Unfortunately, the dogmas of the Russian reactionaries still swayed Paris, and the Wilsonian theories of legitimacy still pervaded allied diplomacy. Under such circumstances, Lithuania knocked in vain at the portals of the allies and of the League of Nations for over a year, during which time Poland was given almost unlimited legal leeway to under-

⁶ As in the case of the treaties with the remaining border states, the Treaty of Moscow provided for an eventual régime of neutralization for Lithuania. Article 5 provided that "in the event of international recognition of the permanent neutrality of Lithuania," Russia would undertake "to conform to such neutrality and to participate in the guarantees for the maintenance of the same." This concept seems to have run throughout the soviet treaties with the border states as the cardinal principle of eventual action. While in direct antithesis with the aims of the League of Nations, for membership in which Lithuania was then applying, the idea of rehabilitating neutralization on a large scale seems to have been a dominant trait in Russian diplomacy in 1920. As to the further development of the idea of neutrality in the second Treaty of Moscow, cf. p. 401, *infra*.

mine Lithuania's constitutional and international position.⁷

An immediately necessary step for Lithuania after her peace with Russia was to come to an understanding with Poland, thereby to complete the definition of her eastern and southern frontiers. Despite the Polish occupation of Vilnius and despite successive violations of armistice lines imposed by the inter-allied military commissions, the Lithuanian government, after the reoccupation of Vilnius by the soviet armies and the signature of the Treaty of Moscow, answered the overture of Prince Sapieha on behalf of Poland and opened direct negotiations as proposed by the Treaty of Moscow itself. These led to the now famous Agreement of Suvalkai of October 7, 1920, whereby the line of demarcation between Polish and Lithuanian areas was drawn. The subsequent violation of this agreement by the Poles through the raid of General Zeligowski and his seizure of Vilnius led, as is generally known, to the intervention of the League of Nations in an unsuccessful endeavor to settle the dispute. The unwillingness of Poland to evacuate the region, her collusion with the pseudo-rebel troops of Zeligowski, the continued flouting of the authority of the League, and the final sham plebiscite whereby Poland "acquired" the "Wilno" region need not concern us here. They illustrate with cruel clearness

⁷ Lithuanian independence was recognized by Germany, March 23, 1918; by Norway on August 22, 1919; by Great Britain (*de facto*) on September 25, 1919, immediately following the first Baltic conferences, at which the border states had mutually recognized each other. Finland followed Great Britain on November 17, 1919. Poland recognized Lithuania on July 4, 1920, thereby freely according to Lithuania the right of negotiation. Russia followed on July 12, 1920. *De jure* recognition was extended by Latvia on February 12, 1921; by Argentine on March 14, 1921, and by Mexico, May 5, 1921. By the end of 1921 Lithuania had been recognized *de jure* by the governments of Argentine, Denmark, Esthonia, Finland, Germany, Holland, Latvia, Mexico, Norway, Russia, Sweden, and Switzerland. On September 12, 1921, the League of Nations admitted Lithuania to membership. The United States accorded recognition on July 7, 1922, and Great Britain, France, Italy and Japan, gave final *de jure* recognition December 20, 1922. On the recognition of Lithuania cf. the memorandum on *The Polish-Lithuanian Dispute* published by the Lithuanian delegation to the second Assembly, 1921; also the brochure on *Lithuanian Recognition* published by the Lithuanian Information Bureau (Washington, 1921).

the impossibility of coming to terms with Polish imperialism except by the virtual sacrifice of Lithuanian independence.

In consequence of the failure of the mediatory action of the League and of the turning over of the question to the Conference of Ambassadors, that body, through its confirmation of the frontiers of Poland early in 1923, sanctified the *coup d'état* of Zeligowski and endeavored to extinguish every possibility of appeal from its decision. Under the circumstances, the Lithuanian government refused to concur in an *ex parte* decision and remained in a technical state of war with Poland; recognition and tacit sanction of the *status quo* by the resumption of diplomatic relations with Poland was and is virtually impossible for any ministry, since the nation at large, not to speak of the parliament, would instantly repudiate its leadership. Thus remains the impasse of the Vilnius question. Only a reopening of the entire question by an impartial international tribunal, as often suggested by Lithuania, can hope to bring the two contesting parties together and to produce a permanent, equitable settlement.⁸

⁸The diplomatic documentation of the Polish-Lithuanian controversy is very full, inasmuch as it has been provided by both the Polish and Lithuanian governments and by the League of Nations. The action of the latter body in attempting a settlement is documented in the *Official Journal of the League of Nations*, from 1920 to 1923. References to the discussions and statements from both Polish and Lithuanian representatives are to be found in the *Records* of all the League Assemblies. A *precis* of the dispute is given from the Lithuanian side in the memorandum on *The Lithuanian-Polish Dispute*, published by the Lithuanian delegation to the second Assembly (London, 1921). The earlier stages of the controversy, including the first Polish seizure of Vilnius in April, 1919, are given in Sections VII and VIII of the official *dossier* of documents presented by the Lithuanian delegation to the peace conference, which is available in the Hoover War Library. The fullest documentation is that published by the Lithuanian Foreign Office, entitled *Documents Diplomatiques, Conflit Polono-Lithuanien: Question de Vilna, 1918-1924* (Kaunas, 1924), which gives virtually all the documents on both sides. Further moves of the Lithuanian government are noted in the *Bulletins* of the *Elta* News Agency, Nos. 46, 47, 48, 49 (September, 1924), 56, 59 (November, December, 1924). The principal source-materials from the Polish side are the *Documents Diplomatiques concernant les Relations Polono-Lithuanien: Tome I, décembre, 1918-septembre, 1920; Tome II, avril-juin, 1921* (Warsaw, 1920-1921). An impartial appraisal of the Polish-Lithuanian controversy is given by Professor A. J. Toynbee in his *Survey of*

AGRARIAN REFORM

While the controversy with Poland loomed large in the foreign affairs of Lithuania, important problems of a domestic character were not wanting. Foremost among these was the problem of agrarian reform, to which even the drafting of a constitution was made secondary. Some preliminary efforts at the distribution of lands were made as early as 1919, but obviously no real progress could be made until Lithuania had juridical title to her own territory and all military operations were over. Thereupon a limited distribution of lands reverting to the state under the Treaty of Moscow was undertaken for the benefit of the soldiery but the full-fledged scheme was not attempted until a law defining the principles of the reform had been passed by the constituent assembly.

By a law of February 15, 1922, largely the work of the Christian Democrats and Populists, the principles of land distribution were laid down and the procedure for parcellation of lands prescribed. The objectives of this far-reaching measure were double: first, to provide land for the landless and thereby bring into use hitherto waste or uncultivated land, and, second, to raise an indigent peasantry with insufficient holdings to a new status of respectability and self-reliance by endowing individual holders with enough additional lands to make them self-supporting and moderately prosperous. On this point there was a consensus of all political parties. To carry the reform into effect, the state resorted to the expropriation of entailed estates and lands granted by the former Russian government to present owners on privileged conditions. In addition, large estates, irrespective of the nationality of their owners, were made subject to partition in the interests of the farming population.

In the process of expropriation, the question of compensation inevitably arises. It will be recalled that in the case of the Esthonian and Latvian agrarian laws, the idea of compensation for certain categories of lands expropriated was accepted

International Affairs, 1920-1923, pp. 248-256. A first-hand account of Polish intrigue is given in Harrison, Chapter IX, from the standpoint of a British military observer.

only in principle, the details being left to subsequent legislation. In the Lithuanian law the full details of compensation were settled by the statute itself, thus leaving the land-owners in no uncertainty as to the kind or extent of remuneration to be expected. Where amounts of land less than 150 hectares (375 acres) were to be expropriated from private land holders, the full average price of the land in pre-war years was paid in 3 per cent. mortgage bonds issued by the Lithuanian state treasury, the state retaining the option of retiring the bonds at par in thirty-six years. Naturally, lands of the Russian state, of the Nobles' Bank and Peasants' Land Bank, as well as certain other properties granted to privileged individuals under the Russian régime, were confiscated without compensation. Inevitably, not a few of the Polish gentry suffered the same penalties which the German Balts had to undergo in Esthonia and Latvia. That, however, was merely an unfortunate specific consequence of a measure of broad social justice and part of the price which the gentry in all Eastern and Central Europe have had to pay for their lack of foresight and their delay in facilitating land reform.⁹

To carry out the reform, the law established a central land office under the ministry of agriculture with branches throughout the country and imposed on the ministry the custody and control of estates expropriated pending their distribution. The reform actually went into effect in 1923, and considerable progress has been made in the distribution of land, the colonizing of the landless, the reallocation of land to those inadequately provided with it, and, generally, in the classification of lands on a scientific basis in accordance with the purpose for which they

⁹ "Of all the Baltic states," writes Harrison (*op. cit.*, p. 132), "it is safe to say that the Lithuanian agrarian law is the mildest in its incidence. In the wake of the Russian revolution and the emancipation of these three border states, no government refusing to satisfy the peasant land-hunger could have survived twenty-four hours. . . . The recognition of the necessity for land reform is not even a party issue in Lithuania; on this all parties, Right, Left, and Center, are entirely agreed. Even the Social Democrats, who in principle do not recognize private land ownership, have bowed to expediency and reconciled themselves to the realities of life. But the agrarian law applies the principle of compensation for all land thus appropriated."

are best suited. The suppression of all obsolete methods of landholding, the partition of communal lands and of villages into individual homesteads is rapidly progressing. It was estimated that about 70 per cent. of the entire reform would be completed by 1927. The final administration of the reform will be a matter of more than a decade; its financial legacy will involve more than a third of a century of careful governmental supervision.

As in the other Baltic states, the carrying out of such a fundamental change in the method of land tenure is destined to effect a regenerating transformation in the social structure of the Lithuanian republic. It is part and parcel of the great agrarian revolution that is raising the downtrodden and long forgotten serf-peasant to self-respect, dignity and a new consciousness of national power: for Lithuania, freed from her polonized nobility, guided hitherto by the tapers of her small intelligentsia and her devout clergy in the long night of her humiliation, it means the dawning of a new day, and a new era. It means for her the final enfranchisement of her Fourth Estate.¹⁰

THE LITHUANIAN CONSTITUTION

From the passage of the agrarian reform bill, the constituent assembly turned to the enactment of a permanent fundamental law to supplant the provisional constitution of June 2, 1920. This had merely substituted the authority of the constituent assembly for that given the Council of State by the constitution of April 4, 1919. With the constitutions of all the other Baltic states already in operation, the Lithuanian constituent assembly was not confronted with the problem of striking out upon an untried path in its constitutional ventures; moreover, its own

¹⁰ On the agrarian reform in Lithuania, cf. Harrison, Chapter XI, particularly pp. 128-132, and *Elta* Bulletins, No. 23 (February, 1924), 38 (July, 1924), and 45 (August, 1924); also *Lietuvos Ūkis* (Lithuanian Economist), No. 19, August, 1924. On Lithuania's general economic condition, cf. *La Lithuanie en Chiffres; Economy and Cooperation in Lithuania: Statistical Study; The Economic and Financial Situation of Lithuania in 1924*; the *Bulletin Statistique*—all published by the Ministry of Finance at Kaunas, and the *Elta* Bulletins generally.

provisional organization had demonstrated with success the stability of a democratic parliamentary régime. Little of genuine innovation was to be expected in such a constitution as a conservative assembly might fashion under these circumstances; rather was it to be expected that adherence to the simplest norms of democratic government would be the ideal of the constitution makers. The net results of their deliberations crystallized into the permanent constitution which was passed on August 1, and promulgated on August 6, 1922.¹¹

In its preamble the document enumerates the essential purposes of a nation grateful for national deliverance and sets as the cardinal principles of permanent political organization the establishment of an independent life on a democratic basis, the creation of conditions for the establishment of right and justice, the assurance of equality, freedom and welfare to all citizens and the proper protection for the work and morals of the people. This carefully phrased declaration gives evidence of an ideal of social welfare to be realized by governmental protection of all classes in their material and moral development; for a Baltic democracy, liberty and equality plus social welfare were set as the trilogy of ideals for national reconstruction. Thus the preamble itself indicates the social sobriety, the grasp of social realities, of the framers of the fundamental law.

Lithuania is an independent democratic republic with sovereignty vested in the people. The exercise of governmental functions is entrusted to the legislative, executive and judicial departments. To safeguard the nation against the abuse of governmental power, it is specifically provided that "in the state of Lithuania no law which is contrary to the constitution shall have force." Thus there is established a law of superior obligation, which the courts must apply even against the executive and legislative departments. The principle of local autonomy and of Lithuanian as the state language, the definition of the state flag and coat-of-arms complete the first section of the constitution, devoted to fundamental principles.¹²

¹¹ On the Lithuanian constitution, cf. Rouzier, A., *La Constitution de la Lithuanie et le Statut du Memel* (Toulouse, 1925).

¹² Division I, comprising Sections 1-7.

The constitution lays down an elaborate bill of rights, as regards individuals,¹³ the national minorities¹⁴ and social classes,¹⁵ in addition to sections relating to defense,¹⁶ education¹⁷ and religious life.¹⁸ Many of the provisions show the marked influence of the Weimar constitution.¹⁹ The reason is patent. These very portions of the German instrument were the product of the clerical Center Party which strove to keep foremost in constitution-making its religious objectives and principles. Lithuania, with an equally clerical party in control of her government, wished to build on sound, conservative bases the national guarantees of individual and collective freedom. Herein the Lithuanian constitution drew heavily but discriminatingly from German sources, revealing the profound desire of a people deeply attached to Catholicism to safeguard their religious liberty while providing for a democratic realization of a broad program of social and humanitarian reform.

Guarantees of equality before the law, inviolability of person and domicile, of habeas corpus, of freedom of religion, speech, communication, assembly, association and petition are provided explicitly. With the latter right is grouped the right of legislative initiative, whereby proposals may be brought before the Seimas on the signature of 25,000 citizens. These petitions must be considered by the legislative body.

Lithuania, unlike Poland, was not compelled by any foreign powers to sign any fundamental treaty guaranteeing the rights of minorities, but voluntarily assumed these obligations on being admitted to the League of Nations. In consequence, the section of the constitution on the rights of national minorities is far briefer than that of other states which have been compelled to incorporate in their constitutions virtual reproductions of treaty stipulations.²⁰ It merely provides a blanket assurance to ap-

¹³ Division II, Sections 8-21.

¹⁴ Division VII, Sections 73-74.

¹⁵ Divisions XI and XIII, Sections 88-90; 97-101.

¹⁶ Division VIII, Sections 75-77.

¹⁷ Division IX, Sections 78-82.

¹⁸ Division X, Sections 83-87.

¹⁹ Cf. *New Governments of Central Europe*, pp. 66-72.

²⁰ *Ibid.*, pp. 179, 295, 379, 385.

preciable minorities of the right to administer autonomously the affairs of their national culture—public education, charity and mutual aid—through institutions of their own choosing, and to impose dues upon their members for the support of such organizations.

As regards the defence of the republic, the participation of all citizens is prescribed by the constitution, though the organization of the armed forces, mobilization and the nature and duration of service are left to be defined by law. Interestingly enough, religious beliefs may not be invoked as an excuse for refusing to perform any public duty, military service included. Here, too, Lithuania is in keeping with the trend in other countries.²¹ Clergymen, however, are specifically exempted.²² In practice the term of military service in the republic has been defined by a law passed in June, 1925, as one and a half years for the infantry and two years for the other branches of the service. It is intended that under normal circumstances there will be a progressive reduction of the term of service as the successive classes of eligible men enter the army. In this respect Lithuania is following in the paths of other agrarian states by curtailing all unnecessary military expenditure and devoting the nation's principal energies to domestic reconstruction.

In the section on education the Lithuanian constitution parallels the Weimar instrument by proclaiming the correlation of rights and duties. Thus the education of children constitutes at once the supreme *right* and the natural *duty* of parents. Education, at least of a primary character, is compulsory, is maintained by the state and local government bodies, and is free and equally accessible to all. Religious instruction is compulsory, though children in special non-sectarian schools are exempted from this provision. Private religious schools are entitled to a state subsidy in proportion to their enrollment. It can thus be seen that in matters of education Lithuania follows closely the arrangements laid down in the Weimar constitution, except that as yet no provision for extensive higher education is contemplated. The establishment of a Lithuanian University at Kau-

²¹ Cf. *New Governments of Central Europe*, pp. 376 n-377 n.

²² Article 83.

nas is, however, an indication that the Lithuanian government does not intend, after the difficulties of the cultural renaissance of the national language, to neglect an adequate program for higher education.

While the constitution recognizes no one state religion and affirms the equal right of all religious organizations, which are regarded as corporations, to control their internal affairs at their own discretion, the provisions governing matters of religion and worship are so phrased as to give full legal weight to all the acts of the Roman Catholic church, whose followers make up an overwhelming proportion of the Lithuanian nation.²³ Other and newly formed religious organizations are recognized, provided their beliefs and moral teachings and statutes are not contrary to the public good and morals. This raises the delicate question as to whether the interpretation of such new tenets is not likely to be viewed through the eyes of the principal religious sect. Duly attested church records of births, marriages and deaths form legally valid documents. Hence in Lithuania there will be no private civil register, or *état civil*.

The constitution is explicit in its declaration of the principles of social and economic policy. "The freedom of husbandry and initiative in all the departments of economy shall be guaranteed each citizen," restrictions on this freedom being imposed only from public necessity. The constitution also stipulates that economic life shall be so regulated that each citizen shall have work. To aid in this regulation it is prescribed that bureaus of agriculture, commerce and industry, labor, and so forth, shall be established by law to cooperate with the government in the standardization of economic life. Article 90, laying down the

²³ Some indication of the distribution of religions in Lithuania, particularly by nationality, is given by the following figures resulting from the religious census of 1924 (*Elta* Bulletin, No. 41, August, 1924): Catholics, 1,739,393 (85.72 per cent. of the whole population); Jews, 155,125 (7.65 per cent.); Lutherans, 66,578 (3.28 per cent.); Old Believers, 32,142 (1.59 per cent.); Greek Orthodox, 22,925 (1.13 per cent.). Out of every 100 Lithuanians 98 are Catholics, 1.31 Lutheran; of the Germans, 98 per cent. are Lutheran; of the Latvians, 91 per cent. are Lutheran; of the Russians, 63 per cent. are Old Believers, 36 per cent. Orthodox Greek Catholic, and only 1 per cent. Roman Catholic. All but a handful of the Jews accept the Jewish faith.

principle of private ownership as the basis for the management of land, consecrates the principles of the agrarian reform law by reserving to the government the right "to regulate the management of land in such a manner that there shall be established suitable conditions for the proper cultivation of agricultural lands, and especially for the development of the smaller and average farms." Finally, the constitution gives its approval to the parcellation of estates as prescribed by law.

Throughout the entire section, as the foregoing typical passages indicate, the ideal of regulation and supervision of economic life along the lines of Christian socialism stands out. So also in regard to the protection of the home, of the family, of motherhood, of the working classes. For the latter, in particular, sickness, old age, accident and unemployment insurance is prescribed. All told, the Lithuanian constitution forecasts a benevolent régime of Christian state socialism, superimposed upon individual initiative and freedom in industry, and individual land tenure in agriculture. The whole bill of rights is devoid of Marxism; it represents a de-socialized version of the Weimar constitution, retaining conservative features and eradicating all innovations along economic lines. It clearly reveals the political philosophy of the dominant groups in the constituent assembly which drafted it, as is the case with the bill of rights in any fundamental law.

If Lithuania discriminately followed Germany in the prescriptions of her bill of rights, she consciously copied her sister-states in the Baltic in the elaboration of the broad mechanism of government, particularly on its legislative side.²⁴ The healthy unicameralism of Esthonia, Finland and Latvia is reflected in the creation of the Seimas as the sovereign legislative body. The Seimas is composed of seventy-eight members²⁵ elected for a three-year term by a general, equal, direct and

²⁴ Division III, Sections 22-39.

²⁵ According to the Lithuanian electoral law, which is modeled on that of Germany, one deputy is elected for every 25,000 votes cast. Thus the number of deputies is indeterminate and fluctuates from one election to another. The second Seimas had 78 members; the third, 85, due in part to the inclusion of the Klaipeda territory in the region sending deputies, and to a higher percentage of votes being cast throughout the country.

secret ballot on the basis of proportional representation. All Lithuanian citizens of both sexes acquire the right to vote at twenty-one and the right to hold office at twenty-four. A new Seimas must be elected before the outgoing body's mandate expires, the date of the election being set by the president of the republic. The term of the new Seimas commences immediately upon the expiration of the term of the old, and the new body must meet within thirty days of its election. The internal rules of procedure, the time and place of sessions, as well as the selection of the necessary officers, are attended to by the Seimas itself. Nevertheless, it is provided that if the president of the republic or a fourth of the members demand it, the presiding officer must call the Seimas into session.

Before assuming office, representatives sent to the Seimas must take the oath, or solemnly affirm, that they will be loyal to the republic, protect its laws and conscientiously exercise their powers. Any reservation or failure to take the oath voids the mandate of a member. Members are not bound by the instructions of their constituents and are to be guided only by their own consciences. They enjoy the usual parliamentary immunities and are entitled to free transportation over the Lithuanian railroads, in addition to the compensation provided by law.

The powers of the Seimas are broad. It determines the procedure of legislation and legislates. It further controls and supervises the government, propounding questions and interpellations, and conducting investigations. It is entrusted with the making and supervision of the administration of the budget. Its confirmation is necessary to give validity to treaties of peace, commerce and cession, as well as to agreements modifying the laws, imposing new duties on Lithuanian citizens, or affecting monopoly or condemnation rights. It alone has the power to declare and end war, though war may be prosecuted by the Lithuanian government in case of attack or invasion, or the declaration of war on Lithuania by a foreign power. In short, the Seimas is the sovereign body to which all other branches of the government, save the judiciary, are responsible.

Executive authority is vested in the president of the republic

and the ministry.²⁶ The president is elected by an absolute majority of the members of the Seimas, voting by secret ballot. To avoid the possibility of a deadlock in a presidential election, the constitution prescribes a procedure not unlike that laid down in the twelfth amendment to the American constitution governing elections thrown into Congress. If no candidate receives a majority on the second ballot, the two highest candidates in the list are voted on, and the one receiving the highest number of votes is elected. In case of a tie, the senior in years is elected. There is no vice president.

Qualification for the presidential office is simple. Any Lithuanian citizen eligible for membership in the Seimas and thirty-five years of age may be elected. The term of the presidential office is three years and an incumbent may be once reelected, but he may not hold office for a third term until some one else has presided over the republic for at least a triennium. The president may be recalled from office by a two-thirds vote of all the members of the Seimas; there is no constitutional specification of the grounds on which recall may be based. This makes the recall a potentially effective weapon in the hands of the Seimas in case of a possible usurpation of authority by the chief executive. The presidential term may also be terminated by a dissolution of the Seimas, as, upon the convening of each new body, a president must be reelected.²⁷ This arrangement is intended to keep the titular, as well as the active, real executive under the definite control of the Seimas.

The powers of the president closely resemble those of other chief executives. He has the usual diplomatic functions of representing the republic and commissioning and receiving envoys. It is his duty to appoint the premier, confirm new ministries, and accept the resignations of outgoing cabinets. Independently, the president appoints the state controller, who is made responsible, independently of the cabinet, to the Seimas for the

²⁶ Division IV, Sections 40-63.

²⁷ In case of the illness, temporary disability or departure of the president from the country, his duties devolve upon the presiding officer of the Seimas. In case of the severe illness, resignation or death of the president, another president must be elected to complete the unexpired term (Section 45).

management of the national finances. All other appointments left by law in the hands of the president are made by him. He is commander-in-chief of the armed forces of the republic, enjoys the right of pardon, and has the duty of publishing the laws. For every act, however, he must have the countersignature of a responsible minister. Thus the plenitude of power which the president possesses is distinctly circumscribed by the necessity of his finding a responsible minister to confirm his acts.

The political relation of the president to the Seimas is explicit. He has no choice but to accept the cabinets having its confidence; he must bow to the will of the Seimas when a ministry has been defeated, unless he is willing to run the risk involved in dissolution. He is empowered, it is true, to dismiss the individual ministers, but even for such act he must find a politically responsible deputy. Finally, the Seimas possesses the power of preferring impeachment charges against the president or the cabinet, for abuse of power or treason. Such cases are tried by the Supreme Court of Lithuania.

The relation of the president to legislation is simple. Before publication of a law, the president is given three weeks in which to consider its merits and to return it to the Seimas in case he believes reconsideration or amendment necessary. If the Seimas, by an absolute majority of all members, adheres to its original view and does not modify the law, the president is compelled to publish it. Laws must be published within thirty-one days of their receipt by the chief executive. Laws declared urgent by a two-thirds vote of the entire membership of the Seimas must be promulgated at once.

Special provisions in the constitution cover the military powers of the executive. If the country is at war, or in case martial law is in force in the greater part of its territory, the president may extend the term of the Seimas, with its own consent.²⁸ It is obvious that the intent of the framers of the constitution was to preserve the continuity of parliamentary life even in war time; to repeat the vicissitudes of the Taryba would be deplorable. Nevertheless, the territorial integrity of

²⁸ Section 25.

the country must not be sacrificed to parliamentary dilettantism. With the memory of Vilnius at hand, and of the violated Agreement of Suvalkai, Lithuania's constituent assembly took measures not to leave the country defenceless in the face of the aggressor. Thus it is provided that, in case of war, armed uprising or other disturbance of public order, the president may suspend certain enumerated clauses of the bill of rights and use the armed forces, if necessary, to suppress the danger.²⁹ During time of war, however, the command of such forces may not actually be in the hands of the president.³⁰ These provisions of the constitution bear the impress of contemporary events in Germany and reveal the desire to safeguard the republic from possible domestic enemies, through creating strong executive authority, efficient, but not tyrannical.

The cabinet is given a clear-cut place in the constitution. It is to be made up of a specific number of ministers to be determined by law. From them the president may require information in writing relating to their offices. The president enjoys the right of participating and of presiding in their sessions. Thus the Lithuanian cabinet is placed, in its relation to the president, in a position not unlike that of the American cabinet. Here, however, the parallelism ends. The president appoints and confirms, presides and deliberates, but the responsibility is ministerial, not that of the chief executive. "The cabinet of ministers," says the constitution, "shall be responsible as a whole to the Seimas for the common policies of the government and each individual minister shall be separately responsible to the Seimas for the work assigned to him in the administration of his special department. The ministers must have the confidence of the Seimas. If the Seimas shall directly declare want of confidence in them, the cabinet of ministers and each minister must resign." Here is set forth in succinct simplicity the epitome of responsible government.³¹

The duties of the ministers are to formulate and submit to the Seimas proposed laws, uphold the constitution, administer the laws, conduct the internal and foreign policies of the state,

²⁹ Section 32.

³⁰ Section 53.

³¹ Section 59.

protect the inviolability of the territory and the internal order of the republic. In their deliberations the fictitious unanimity of view which is the cornerstone of British cabinet government is discarded and measures are to be adopted by majority vote. If ministers are outvoted by their colleagues, they retain a constitutional right to submit a minority report direct to the Seimas, along with the verdict of the majority.³² This is an element of both strength and weakness to a cabinet, as it reveals the degree of solidarity of the government to its political censor; nevertheless, it has the open candor of democracy, and should do much to alleviate the supposed tyranny of the majority. From a constitutional point of view, such a privilege, on matters of vital importance, may grow to have an inestimable value, thereby carrying the principle of a dissenting opinion, so valuable to our jurisprudence, over into the administrative and policy-making branches of the national government. Finally, it should be noted, the state controller may advise the cabinet in a technical capacity. He is not in any sense politically responsible for cabinet action, although he is administratively responsible to the Seimas.

A brief section of the constitution deals with local government, amplifying the provisions of Section 5 dealing with local administration.³³ Local self-government based on general, equal, direct and secret ballot is freely conceded to the people. Local government agencies, in accordance with a later law, are to confine their activities strictly to matters of local concern, and are to be permitted to levy special taxes for their own maintenance. In this way the new constitution seeks to preserve the vitality of local institutions, and to prevent them from becoming too plastic in the hands of the central government. The national authorities therefore retain in principle only correlating authority, supervising the work of the local governmental bodies and seeing that they do not encroach upon national prerogative or neglect the functions entrusted to them. In case of conflict between the local authorities and the national administration, the courts are given final jurisdiction.

³² Section 60.

³³ Division VI, Sections 70-72.

The judiciary is provided for in a brief division of the constitution which consists largely of basic principles to be elaborated by detailed legislation.³⁴ The judiciary is to render decisions in the name of the republic, in accordance with the laws. By this precept the recognition of the republican régime is enjoined on the judicial branch of the government, as well as the necessity of implicit following of the norms of law. Court decisions, therefore, may not be modified or reversed except by judicial authority in the manner prescribed by law. There is but one central and final tribunal, the Supreme Court of Lithuania, to which all other tribunals are subordinated. The courts are endowed with both ordinary and administrative jurisdiction, so that the final controls over national administration, as well as over conflicts between the local and national authorities, revert to the judiciary for settlement.

Finally, the constitution makes provision for its own amendment³⁵ and for transition from the preliminary and provisional régimes to permanent constitutional government.³⁶ An amendment may be proposed on the initiative of the Seimas, the executive department, or the petition of 50,000 voters. Such a proposed amendment or supplement must be passed by a three-fifths vote of all the representatives of the Seimas, and goes into effect in three months unless in the meantime the president of the republic, or one-fourth the number of representatives, or 50,000 voters demand a referendum. In case a referendum is invoked, it requires the participation of at least half the registered and qualified electors, and the negative vote of at least half of those participating to reject the amendment. Amendments carried by the Seimas by a four-fifths vote go into effect immediately, and it would appear that the referendum cannot be invoked in connection with their enactment. It would seem that this provision is capable of some abuse, as an overwhelming nationalist or clerical majority might force through a constitutional revision of unusual importance over the protest of a weak minority.

³⁴ Division V, Sections 64-69.

³⁵ Division XIV, Sections 102-103.

³⁶ Division XV, Sections 104-108.

Such is the Kaunas constitution. Its institutional foundations and doctrinal pronouncements are conservatively democratic. It adheres strictly to the norms of legality; it looks to stringent administrative and judicial controls over the mechanism of government, while subscribing to the fullest applications of the principle of political responsibility. To carry over from the constituent régime, it prescribed in its concluding clauses that the constituent assembly should remain until the election of the first ordinary Seimas, which was to be chosen not later than three months from the publication of the fundamental law, on August 6, 1922. Meanwhile, the president of the constituent assembly was intrusted with the duties of the presidency of the republic, the laws not repugnant to the new instrument were retained in force and the provisional constitutions discarded. Thenceforth the duty of the nation was to enforce its new fundamental charter.

CONTEMPORARY POLITICS IN LITHUANIA

The first step in implementing the new fundamental law was the election of the first Seimas. Three days after the constitution was promulgated the date was set for the elections, which were held November 9, 1922. The Seimas met under the acting presidency of Antanas Stulginskis,³⁷ in December, and elected him to the presidency on the following day, December 21, 1922. For this position Stulginskis, as a veteran agrarian leader of the Lithuanian national movement, had been fitted by the trials of the whole period from the Vilnius Diet of 1905 to the outbreak of the Russian revolution. Having aided in piloting the Lithuanian state between the Teutonic Scylla and the Muscovite Charybdis through the period up to the peace negotiations

³⁷ Antanas Stulginskis was born in 1885 and finished his training as an agronomist at Halle in 1913. Serving during the war with the Lithuanian War Victim Committee at Vilnius, he participated in the Vilnius Diet of 1917, then was elected to the Taryba. After serving as minister of the interior (1918-1919) and minister of agriculture (1920), he was elected to the constituent assembly and became its president. After serving as president of Lithuania from 1922 to 1926, he became speaker of the third Seimas on December 19, 1926, on the morrow of the December *coup d'état*.

with Russia, he had been found a fitting president for the constituent assembly, and had acquitted himself well. It was natural, therefore, that he should be elevated to the presidency, both because of his attested leadership, and because he combined in his religious affiliation and professional training the moderate conservatism of the clerical, and the reforming agrarianism of the peasant.

The first Seimas,³⁸ which inherited the task of amplifying the blanket stipulations and filling in by legislation the gaps in the financial and economic policy of the state, reflected in its party composition the same trends as the constituent assembly, in which the populist-clerical combination had worked for the passage of the constitution and the agrarian reform law. However, as soon as these measures were eliminated from the foreground of domestic politics, a gradual reorganization of opinion on new issues was apparent, and the internal friction produced forced the resignation of the ministry, and with it the dissolution of the Seimas. The unrest over the Memel question, which was being settled all too slowly for Lithuanians desirous of an outlet to the sea, the possibility of gaining partizan advantage by an election on issues to which the whole nation was alive—such were the factors which impelled the Galvanauskas³⁹ ministry to seek a new mandate from the people.

³⁸ The first Seimas contained 11 Social Democrats, 19 Populists and 38 members of the Christian Democratic bloc, 5 members of the Workers' Party—really disgruntled, radical Germans and Russians—3 Jews and 2 Poles.

³⁹ In the post-war history of Lithuania, Ernest Galvanauskas is in many respects the most outstanding figure. Born in Lithuania, he grew up as a Social Revolutionary, and took an active part in the Russian revolution of 1905. Being implicated in the more aggressive aspects of the Lithuanian national movement, Galvanauskas was forced into exile at the beginning of the Stolypin régime, and remained in exile till the end of the World War, having secured an excellent technical training in Belgium and France. Joining the Lithuanian delegation during the Paris conference, he rapidly assumed the position of minister of foreign affairs, then the premiership, which he held for three different terms, combining with it at times the duties of minister of finance and communications. "In all these posts his unusual powers of organization proved of the greatest value to the country during this difficult period of reconstruction. His tenure of office in fact coincided with virtually all the more important events of Lithuania's post-bellum history. In the international sphere toward the long and trying discussions of the Vilnius ques-

The elections, held in the late spring of 1923, evidenced a trend slightly toward the Right, indicating that the nation inclined toward the less liberal elements of Galvanauskas' following. The dominant party lineup remained, however, essentially unchanged, the Christian Democratic coalition alone retaining control of the Seimas. Under the circumstances, Galvanauskas remained at the helm. His presence at Paris, Brussels and Geneva was obviously essential to the settlement of outstanding questions. For over a year, until June, 1924, he remained in office, heroically attempting the financial reconstruction of the country, the solution of the Klaipeda (Memel) question, and the general improvement of national economy. It was under Galvanauskas' leadership that the nation obtained its constitution, its sound national finance, and its final territorial delimitation as regards Germany.

From February, 1924, until June, 1926, the country was under the control of three successive Christian Democratic ministries, headed by Antanas Tumenas, Venceslas Petrulis and Dr. Leonas Bistras, respectively. In these leadership changed due to the exigencies of the internal political situation but the policies pursued were constant, and the stable development of the nation in the hands of the conservative Christian Democratic leaders was the outstanding feature of Lithuania's domestic life throughout the remaining period covered by the second Seimas. The long régime of the Christian Democratic bloc was brought to an end by the elections to the third Seimas, which took place on May 10, 11 and 12, 1926, and decisively defeated the Right parties.⁴⁰ The result was to bring into power a Populist-Social Democratic

tion before the League of Nations, his skilful conduct of the negotiations with the Conference of Ambassadors on the Klaipeda (Memel) question, which during his official régime were brought to a successful termination; the *de jure* recognition of Lithuania by the allied powers; the admission of Lithuania to membership in the League of Nations; and, in the domestic sphere, the creation of a gold currency with the *litas* as the unit, in the summer of 1922, the establishment of the Bank of Lithuania, the opening of the university at Kaunas, the creation of a state opera and drama, the drafting of an important plan of economic reconstruction to include the building of new railway lines, grain elevators and refrigerators, etc." This semi-official summary of his achievements is indicative of the valorous efforts of Mr. Galvanauskas at the modernization of his country.

⁴⁰ The second Seimas was made up of 8 Social Democrats, 18 Populists, and 40 members of the Christian Democratic bloc (9 members of

coalition, once more under Dr. Sleževičius, who opened his third ministry at the beginning of June, 1926, simultaneously with the elevation to the presidency of Dr. Kazymir Grinius,⁴¹ who had been prime minister during the critical days of the Russo-Polish war of 1920.

The reasons for this rather abrupt change in internal policy are of distinct importance. Although there were many factors entering into the overthrow of the Christian Democratic bloc, factors born of an unavoidable economic depression and the inevitable discontent of party groups with the long continued possession of power by one coalition, an outstanding, though not altogether decisive, issue related to the official attitude of the Lithuanian government towards the Holy See. The nation at large being overwhelmingly Catholic and passionately loyal to the church, the Christian Democratic coalitions, after 1923, had endeavored to arrive at an agreement with the Vatican whereby official relations would be assumed and the legal bases for nomination of high ecclesiastical officials by the Lithuanian government laid down. While these negotiations were pending, the Lithuanian government learned of the signature of the Polish *concordat* with the Holy See whereby a special diocese was created in Poland with Vilnius as its ecclesiastical center. This so incensed the Lithuanian government that it withdrew its representative from the Vatican and entered a bitter protest to Pope Pius XI. Later, in the spring of 1926, negotiations were re-

the Federation of Labor, 18 members of the Farmers' Union, and 13 Christian Democrats) with 12 representatives of national minorities. The third Seimas was made up of 17 Social Democrats, 22 Populists, 30 representatives of the Christian Democratic bloc, 5 Nationalists and 11 minority representatives. As will readily be seen from a comparison of figures, the gains of the Social Democrats were the most pronounced, while the losses of the Christian Democratic bloc were almost correspondingly great.

⁴¹ Kazymir Grinius was born in 1866 and graduated from Moscow University in medicine. After a long career as a journalist in Lithuania Minor, working in the interests of the national movement, he came under the ban of the Russian government, was imprisoned and later forced into exile. Elected in 1920 to the constituent assembly, he was chosen prime minister, 1920-1922, and served as a Populist deputy in the first, second and third Seimas. Elected president of the republic on June 6, 1926, he served until December 18, 1926, when he resigned following the December *coup d'état*.

opened looking toward a mending of the breach with the Vatican, if that were at all possible. Thereupon Pope Pius XI undertook to proclaim by a bull the creation of a Lithuanian ecclesiastical province and to apportion the dioceses within the present confines of Lithuania—all without consulting the Lithuanian government. This created a very difficult situation for the Christian Democrats for, if the bull were accepted by the government, it would imply the recognition of existing frontiers and admit the political loss of Vilnius. The Opposition held that the bull was in effect a unilaterally proclaimed *concordat* designed to heal the breach with Poland and recognize Polish sovereignty over the lost provinces. In the third Seimas elections the voters, taking the Opposition argument at face value, overwhelmingly voted against the policy of resumption of ecclesiastical relations on the basis of the situation created by the papal bull. The result did not indicate that Lithuania had abandoned her clericalism, but rather that the nation decisively repudiated any policy of weakness.

Once in office, the outstanding achievement of Sleževičius' ministry was the negotiation of the second Treaty of Moscow of September 27, 1926. This treaty, the first of the security pacts to be concluded between the U.S.S.R. and its western border states, promised mutual security to the contracting parties and provided for the peaceful solution of all their disputes. In addition, it bound each party to remain neutral in the event of a conflict involving the other, the Soviet Union being particularly insistent on this stipulation. For this clause the provisions of the Russo-German Treaty of Berlin of April 24, 1926, furnished the model, and Article 5 of the first Treaty of Moscow the direct inspiration. The offer of the pact by the U.S.S.R. early in 1926 had placed Lithuania in a distinct quandary as to whether such an agreement conflicted with the obligations of Lithuania to the League of Nations. Therefore Lithuania awaited anxiously the admission of Germany to the League before undertaking to sign such a pact. Once Germany, who had already assumed similar obligations toward Russia, was admitted, this difficulty disappeared, and, in an exchange of notes between Sleževičius and Chicherin, it was stated that nothing in the pro-

visions of the treaty conflicted with the obligations of Lithuania under the League Covenant. In the face of this statement, no protest could be directed against the treaty.

What was of greater significance to Lithuania was another statement in a note from the soviet commissary to the effect that Russia still recognized as valid Lithuania's territorial boundaries under the first Treaty of Moscow, the new guarantee treaty applying to the territory there defined. In a sense, therefore, the second Treaty of Moscow reinsured the boundaries laid down by the first, and was a warning to the allied Powers that the U.S.S.R. did not accept the delimitation of boundaries between Lithuania and Poland as final. While not constituting a perfect guarantee to Lithuania, it nevertheless gave her a point of vantage for her future diplomatic relations with her neighbors and marked the first step in the establishment of permanent security along the Baltic.

With the signing of the treaty Sleževičius' usefulness to the nation was, for the time being at least, at an end. What the Christian Democrats had not dared essay, the Populist leader had consummated. The treaty of Moscow was a diplomatic triumph for Lithuania as regards both Russia and Poland, but it could not compensate for the errors and mistakes of Sleževičius' internal policy.

The position of Dr. Sleževičius' coalition was difficult from the beginning, as it was possible for the Social Democrats and Populists to command a working majority in the Seimas only by obtaining the votes of the minority groups. As the administrative officials recruited during the period of Christian Democratic ascendancy were naturally sympathetic with that faction, the demand arose from the socialist members of the Sleževičius coalition for a "purification" of the public services, in order to eliminate Christian Democrats. This process was aggravating not only to the Clerical Opposition but to the public at large, which resented the application of the spoils system in this particular form. In addition, the minorities did not fail to exact their pound of flesh for the support given to Sleževičius, particularly in forcing the establishment of some sixty Polish schools in communities where the Polish population was not

numerous. This alienated more of the public. "It was evident to every one in Lithuania," wrote a former minister of education, "that the national minorities and not the Lithuanian fractions had the decisive power in parliament." Lastly, Sleževičius, whose policies of far-reaching reform were distinctly radical, encountered difficulties with the intensive communist propaganda of Muscovite origin in the trade unions. His efforts, through "exaggerated liberalism to disarm communism in advance," only helped the communists against the socialists,⁴² and the demands of the trade unions, which fell under almost complete communist influence, accelerated the demoralization of the administration. On top of all this came a severe crop failure and renewed economic depression. With such forces at work, it was not long before all the rank and file of the purely Lithuanian parties were against the government. Here, clearly, were the elements for a crisis.

The crisis came on December 17. Acting on the belief that a communist *coup d'état* was to be effected on December 25, when the military authorities would be apt to be off their guard, the nationalist officers of various army regiments, which had been brought into Kaunas for the celebration of President Grinius' sixtieth birthday, conspired to prevent such a coup by themselves striking the first blow. On the night of December 16-17 they placed the prime minister and cabinet under arrest, immured President Grinius in the presidential mansion and took over the public buildings. An hour and a half of dramatic action without bloodshed—and Sleževičius and his cabinet resigned. In the morning President Grinius, being faced by the accomplished fact of the cabinet's resignation, called on Professor Voldemaras, to whom the nation had turned in the critical days of 1918, and asked him to form a cabinet. Voldemaras quickly gathered around him a group of landowners, Christian Democrats and

⁴² Imported communism in Lithuania worked in these respects in striking parallelism to imported communism in Hungary toward the close of the Karolyi régime. Cf. *New Governments of Central Europe*, pp. 211-212. That the Sleževičius government faced a serious problem along these lines was admitted by *Izvestia*, June 25, 1926, in characterizing the Lithuanian Social Democrats as being occupied solely in fighting "clericalism in parliament and communism in the factories."

members of the Farmers' Union—all distinctly conservative elements—and formed his cabinet before the end of the day. After confirming the new group in office President Grinius resigned, and the Seimas—from which the Left parties withdrew—turned, as had the provisional national assembly and later the Council of State in 1919, to Dr. Antanas Smetona and elected him to the presidency by a scant constitutional margin, December 19, 1926.

Such was the December *coup d'état*. It brought Lithuania out of the constitutional impasse into which the policies of the Holy See, on the one hand, and of the Third International of Moscow on the other, had brought the nation. To have boldly forced the resignation of Sleževičius, who commanded a technical, if artificial, majority in the Seimas, and to have reinstated the Christian Democrats, as such, in office would have meant, for Dr. Grinius, the repudiation of the electoral alliance which had brought him to power and a violent rupture of constitutional tradition. Also, it would have brought the Christian Democrats back face to face with the issue on which the electorate had already repudiated them. To have undertaken a dissolution of the Seimas at a moment of marked unrest and economic depression due to circumstances beyond the control of any government, would have been hazardous and rather difficult, although not beyond the pale of possibilities. To allow Sleževičius to remain in office appeared, to the Right parties and to the public at large, to invite serious internal dangers. Therefore the nationalists acted, much as they had in 1918, when, on the withdrawal of the German armies, the country faced a critical situation. The coup marked a sudden and unanticipated turn in internal politics, but scrupulously respected all formalities and avoided a break in the legal order, hence it cannot in any sense be regarded as revolutionary. Rather it marked the attempt of the nationalists to rescue the Right parties from the embarrassing position in which the May elections had left them and to return to the beaten paths of a safe and conservative policy. Once the coup was over, the Seimas accorded its confidence to Voldemaras and rejected the Opposition motion of censure; Smetona and Voldemaras devoted themselves to the task of reaffirming constitutional order. In eight years of con-

stitutional development the circle had swung full round and the close of 1926, as of 1918, found Smetona and Voldemaras intrusted with power and once more directing the destinies of the nation.

The principal achievements of Lithuanian domestic politics since the adoption of the constitution have been along financial, economic, agrarian and cultural lines. The problem of greatest gravity was that of the nation's finances. Flooded with the Ostmarks bequeathed to the ravaged country by the German occupying authorities, Lithuania had maintained them at a stable, though highly depreciated, value—until the rapid decline of the German mark forced a change. Thereupon the *litas*, a coin one-tenth of an American dollar in value, was introduced on a gold backing and the paper currency—Ostmarks and rubles—gradually retired. The creation of the Bank of Lithuania as sole bank of issue permitted the continued stabilization of the new monetary unit. Metallic currency has been in circulation since the beginning of 1924. With a balanced budget, which Lithuania has maintained since 1921, came the possibility of the extension of the banking operations of the government so as effectively to finance the projects of economic development and transportation and to permit the extension of credit to the new farmers on their homesteads. Finally, under the Christian Democratic bloc, particular attention was paid to education and the inauguration of a more satisfactory school system.

Legislation of a quasi-constitutional character has involved the fundamentally important statutes on local government and the judiciary. Under a law passed early in 1925, the country was divided into twenty government districts or arrondissements averaging 100,000 population, and these were in turn subdivided into communes, averaging fifteen communes to the district. Since that time a law allowing cultural minorities their autonomy, in accordance with the stipulations of the constitution, has gone into effect.

Of even greater importance was the matter of judicial reform. The republic inherited from Russia the codes of law applicable throughout the empire, often in ways distinctly disadvantageous to Lithuanians, and also the military tribunals

and ordinances and decisions enforced from 1915 to 1919 on Lithuanian territory by the German occupying authorities. By a law of January 16, 1919, the ministry of justice undertook for the time being to apply the old Russian laws to the newly created district courts of first instance. Meanwhile the ministry of justice started the arduous task of translating the Russian law for purposes of application in the Lithuanian courts. From 1919 to 1925 little spectacular work was done in the formal reorganization of the judiciary. Not even a supreme tribunal had been erected, the single court of appeal having sufficed to carry the nation through this transition period. The Petrulis ministry, therefore, turned its attention to judicial reorganization and reform and appointed a council of jurists to revise the criminal code and bring it into keeping with modern conditions, and the practices of other civilized countries. The Swiss criminal code was made the basis for the Lithuanian, and, though the work of complete revision will consume several years, the new Lithuanian code bids fair to apply thoroughly up-to-date principles of law in place of the harsh and obsolete provisions prevailing under the Czarist régime.

By a subsequent law of 1925, the Supreme Court of Lithuania was created to take in the Lithuanian judiciary the place formerly held by the Russian Governing Senate, and to fulfil the duties intrusted to it by the Kaunas constitution. In addition, a jury system was for the first time introduced into Lithuanian jurisprudence, to give it "those bases of criminal law most imbued with the democratic spirit." Under the same law, the interrelationship of all judicial institutions was carefully worked out. Thus Lithuania completed the rounding out of her national and local institutions.

In her foreign relations since the beginning of 1923 Lithuania has followed several clearly defined policies. Her primary concern was to secure an outlet to the sea by the acquisition of Klaipeda (Memel) as her principal Baltic port. The failure of the allied governments to assign the port directly into the keeping of Lithuania in 1919 caused the retention of the entire Klaipeda region under French military protection until the day of the occupation of the Ruhr, on January 11, 1923, when a

Lithuanian uprising occurred and a revolutionary committee seized the city. After protracted negotiations with the allied governments and the intervention of the League of Nations, the Klaipeda region was awarded to Lithuania in March, 1924, under a convention guaranteeing the region full autonomy.⁴³ The triumph of Lithuania in this diplomatic struggle, despite the resistance of the French and Polish governments, was in part regarded by the allied public as belated compensation for the loss of Vilnius; by the Lithuanian government and public it was regarded as merely belated justice to Lithuania in regard to a legally valid claim, and in no wise an equivalent for Vilnius or a diplomatic recompense for the aggressions of Poland. The clearly separate character of the two cases is obvious to any observer, and the Polish endeavor to justify the Zeligowski *coup d'état* by that perpetrated at Klaipeda is hardly logical or convincing.

Lithuania's second concern has been to consolidate her relations with her Baltic neighbors, through participation in Baltic conferences insofar as the existing situation with Poland permits, and through the negotiation of a series of economic and political conventions with the individual states. With Latvia, her relations are most intimate; with Esthonia only slightly less so. Eventually Lithuania will be able to enter a Baltic customs union, the realization of which has hitherto been prevented only by Polish menaces. Relations with Finland and Russia, as has already been noted, are also cordial.

By various conventional arrangements, Lithuania has virtually liquidated her outstanding problems relating to Germany. She has also funded her principal foreign debts and consummated the negotiation of a network of commercial treaties. Only the

⁴³ The diplomatic documentation of the Klaipeda controversy is given in full in the Lithuanian Yellowbook published by the Foreign Office at Kaunas entitled: *Documents Diplomatiques: Question de Memel*. 1ère Volume: *Depuis la Conférence de la Paix (1919) jusqu'au renvoi de la Question par la Conférence des Ambassadeurs devant le Conseil de la Société des Nations, 29 Septembre, 1923*, Kaunas, 1923. 2e Volume: *Règlement de la Question de Memel par le Conseil de la Société des Nations (République de Lituanie, Ministère des Affaires Étrangères, Kaunas, 1924)*. Cf. also Document 13, pp. 736-745, *infra*.

unsettled relations with Poland remain, and here Lithuania awaits with implacable tenacity a change in her political fortunes, believing that her juridical and ethnic claims to her historic capital will some day receive international vindication. Meanwhile she is pursuing, like Latvia and Esthonia, a policy of peace in keeping with the spirit of her national culture, and the democracy which imbues her constitutional order.

CHAPTER XIII.

THE RE-UNIFICATION OF POLAND: I

HISTORICAL BACKGROUND OF THE POLISH MOVEMENT: *The Polish Tradition of a Golden Age—Partition and Repression—The Russian Poles—The Poles in the Duma—The Austrian Poles—Their Opportunism—The Prussian Poles—Their Economic Solidarity—The Polish Problem in 1914.*
PROPOSED SOLUTIONS OF THE POLISH QUESTION: *The Russian Solution: The Grand Duke's Manifesto—The Austrian Solution: Pilsudski—Elimination of the Russian Solution—The German Solutions: (1) The Hindenburg Plan—(2) The Delbrück Plan—(3) The Naumann Plan: Mittel-Europa—The Fourth Solution: An Independent Poland—Attitudes of Poles Abroad—Renewed Political Activity in Poland—Activism, Opportunism, and Passivism.* **THE KINGDOM OF POLAND, 1916-1918:** *The November Manifesto and Its Effects—The Council of State—Its Organization—Effects of the Russian Revolution: (1) On the Poles in Russia—Lednicki's Realist Policy—(2) On the Poles in the Kingdom—(3) On the Poles in Galicia: Their Demand for Unification—Internment of Pilsudski and the Legions—The Demand for Polish Self-determination—The Regency Council—Kucharczyński's Activist Cabinet—The Dénouement at Brest-Litovsk—The "Fourth Partition" and Its Effects—The Steczkowski Program—The End of Activism—Świerczyński's Policy of Passivism—Pilsudski, Daszyński and Moraczewski—From Monarchy to the Republic—Weakness of the Polish Provisional Government—Paderewski's "Ministry of National Talent."*

HISTORICAL BACKGROUND OF THE POLISH MOVEMENT

THE resurrection of Poland was one of the most remarkable events of the World War. At the inception of that struggle few believed or even dared to hope that a united, democratically organized Poland would be wrested from the three Powers into whose hands partitioned Poland had fallen in the latter part of the eighteenth century. The world over, the Polish question was regarded as a closed chapter incapable of being reopened. Not only had the European Powers been unable to effect any change in the status of Poland since the Congress of Vienna, but the Poles themselves, in Prussia, Austria and Russia, had ceased, since the futile insurrection of 1863, to think of any

reopening of the decisions of Vienna by the sword. For them a living Poland had ceased to exist, and only the memory of centuries of a once glorious past, dating from the Piast and Jagellonian kings, remained to inspire the living generation with the traditions of their forefathers. The very hopelessness of their situation tended to drive the patriotic Poles to reverie, to contemplation of the golden age when Poland, during the Protestant Reformation, had been the sanctuary to which all the persecuted of Europe had fled. Poland had enjoyed the most liberal constitution in Europe, with religious toleration and political freedom, with a finely flowering civilization and remarkable pioneers in science and discovery.

But in their remembrance of this happy epoch, the Polish nationalists of the twentieth century all too willingly forgot the subsequent age of growing anarchy and dissension, of rivalries among the Polish noblemen and their untrammelled individualism which had made notorious the *liberum veto* of the ancient Polish constitution. The patriotic tradition harked back to the fifteenth, sixteenth and seventeenth centuries of promise, while glossing over or eliding the internal conflicts that had become the pretended causes for those unparalleled acts of spoliation by Austria, Prussia and Russia. These have gone down into history as the first, second and third partitions, aptly characterized as the greatest international crimes ever committed in the name of civilization.

But while the immediate backgrounds of the partitions may have been glossed over in the nationalist tradition, the fact of the partitions was not. The pent-up passion of fierce resentment and undying hatred seared into each new generation an account of the perfidy of the three autocracies which had rent asunder nerve and bone and sinew of the living body of Poland. The cause of Poland became to each successive generation a sacred cause, to be sponsored by every one and proclaimed *urbi et orbi*, whether the times were propitious or not. After the confirmation by the Holy Alliance of the renewed partition made at the Congress of Vienna, as a solemn eucharist whereby communion over the expiatory body of Poland made Christian brethren of the Orthodox, Catholic and Lutheran monarchs,

there was little opportunity for successful challenging of the will of the ambitious autocratic rulers. The rebellions of 1831, 1848 and 1863 brought home only too forcefully to the despairing Poles that their strength was unequal to the task of dispossessing three World Powers. Thenceforth, Poland was to remain "impaled upon the rood of autocracy, as the Suffering Servant of Humanity." . . . Such was the highly emotionalized version of the condition of Poland handed down from generation to generation of Polish nationalists and would-be revolutionaries. The condition was, indeed, a politically deplorable and inexcusable one.

After the final rebellion of 1863 had been successfully crushed by the iron hand of a relentless Czar, Polish nationalism abandoned the thought of open rebellion and sought to consummate national liberation by other means, not knowing when the day of liberation would come, but always planning for the realization of a far-off dream. This period of dejection and depression, of awakening to stern realities, found different expression in the three regions under Russian, Austrian and Prussian control.

In Russian Poland the leaders of Polish nationalist feeling turned slowly to the development of municipal and civic institutions, to cooperation in administrative reforms wherever possible, to the building up of a strong intelligentsia and bourgeoisie as the stabilizing element in any constructive move towards eventual liberation. Their only reward was to suffer the intensest processes of russification, the proscription of their language, the drafting of their sons to serve in the outmost reaches of the empire. Down to the revolution of 1905 the Polish nationalists scarcely succeeded in ameliorating their condition, and were driven in sheer desperation to the expedient of intriguing with other disaffected factions for an eventual overthrow of the tyrannical régime of the Romanovs. Thus a large section of Polish opinion sided with the Social Democrats of Russia so that the revolution of 1905 found the middle classes in hearty cooperation with all the movements for constitutional liberty for the whole empire.

With the creation of the Duma, however, the bourgeois classes

parted from the advocates of revolution and, forming a concerted bloc, sent to that body a solid delegation of National Democrats, who formed a fitting Polish counterpart to the Constitutional Democrats of Russia proper. The solidarity of these two groups was so manifest in the first Duma, their mutual support of pleas for Polish autonomy so vigorous, that the truncated electoral law for the second Duma markedly reduced the Polish contingent and left the exasperated Poles to make the best of it. From that time on it became obvious that Polish nationalism had little to gain from the Duma, which now had its Octobrist, Nationalist and Reactionary majority, and that only insofar as all Russia gained by the tactical action of the Cadets and racial party groups could any amelioration of their lot come from this quarter. Nevertheless, as was the case with other national minorities, the Duma proved an excellent training school for parliamentarians. From the handful of deputies in the second, third and fourth Dumas, liberated Poland obtained some of its most eminent leaders.

Under Austrian dominion the Poles fared much better than did their countrymen in Russia. When, in 1866, Austria was overwhelmingly defeated by Prussia, and was obliged forthwith to come to terms with Hungary, the Poles from Galicia stepped in and demanded both home rule and constitutional government at Vienna. The effect was to introduce an independent and autonomous diet for Galicia, in which the Poles constituted a distinct majority, and to bring about the constitutional laws of 1867 in Austria proper. In the newly created Reichsrat, the Polish deputies served their apprenticeship well, and under Beust, Potocki, Taaffe and Badeni, made themselves indispensable to the plans of the ministers of the Austrian crown. For thirty years, with some interruptions, the Poles were the mainstay of the Habsburgs in the Reichsrat, and, when other elements for a majority were lacking, they could almost invariably be brought to the support of the existing government by the grant of concessions in regard to Galicia. It was by this distinctly Austrophil policy that the Polish representatives in the Reichsrat won from Vienna reluctant concessions to their national program.

That program, however, meant in Galicia a definite subordination of the interests of the Ruthenes of the eastern part to those of the numerical majority of Poles in the western part of the province. Under the régime thus established, the Polish landlords in Galicia, together with the industrialists of Austrian Silesia and the oil magnates of Eastern Galicia, formed, with the Galician bourgeoisie and intelligentsia, a bloc which effectively excluded the Ruthenes from power in the province, irrespective of what they might do in the Reichsrat. It was only after the beginning of the twentieth century that the German manipulators in Vienna came to realize the value of Ruthene support in a time of racial fractiousness, and to cultivate Ruthene friendship against the day when Polish alliances in the Reichsrat should fail. But for the most part, up to the dissolution of the dual monarchy, the advisors of the House of Habsburg could find—for a price—adequate support for their policies among the Polish deputies.

In fact, this Polish opportunism was the outstanding characteristic of the rôle of the Galician representatives. And while it purchased certain concessions in matters pertaining to Galicia, making that province a mecca for the Poles who were exiled from Russian or Prussian Poland, it also made the Poles fickle and wavering in their loyalties. Where outright oppression existed, as in Prussia and Russia, a sense of solidarity was infused into the Polish deputies and they refused to traffick with the government. In the Austrian Reichsrat, the Poles became past masters at the art of bargaining, with the concessions obtained redounding primarily to the benefit of the Polish upper classes, the landlords and the nobility. As far as Eastern Galicia was concerned, this policy operated to keep the Ruthenes subservient to an upper caste of Poles. In short, the privileged position of the Poles in Galicia was obtained only by a sacrifice of the most elementary cultural rights of the Ruthene peasantry. Here was built up an unfortunate tradition of oppression which was to prove an element of weakness and instability in the hour of liberation.

In Prussian Poland the lot of the Poles was, from a governmental standpoint, especially hard. In Prussia there could be

no doubt as to who possessed ruling power; there was no need for the Junker to bargain for the support of the Pole. The Poles were a distinct minority. They were given a voice in the Prussian Landtag and later in the imperial Reichstag, but not permitted to count in legislation. In the germanization program of the Bismarckian period, continued without impairment by his successors and reaching its apex during the chancellorship of von Bülow, a decade before the World War, the Poles were subjected to discriminatory legislation. The land colonization program, on the other hand, which was intended to provide an outlet for the expanding German population, involved the compulsory expropriation of property of Poles in the frontier regions for the benefit of the German colonists. While this, from an economic standpoint, was the most serious assault on the position of the Polish populace, the measures prohibiting the use of the Polish language either at school or in religious exercises were undoubtedly the most aggravating, and the ones destined to store up the most intense antagonism against a future day of revenge.

The Prussian Poles, however, adopted an entirely different attitude in relation to the solution of their problems than did those in either Russia or Austria. Knowing that all political activity would be futile in a diet in which they were a helpless minority, they turned to the economic field and sought to intrench themselves successfully and combat germanization by the building up of a strong series of economic organizations among their countrymen, thinking thereby to circumvent and, if possible, best their Prussian oppressors.

"During fifty years, by the sweat of their brow, under constant menace, and in the teeth of the opposition," wrote an American journalist in 1917, "they have built up an elaborate and delicate economic organization, in which the national life has its being, and on which depend all its hopes of survival and potentialities of development. When the Russian Poles were holding secret meetings in the villages, and in fiery speeches denouncing the Russian authorities, the Prussian Poles were founding land banks in the forms of German law. They have organized the economic life, first of the peasant, then of the trades-

man and, lastly, of the artizan, with an enterprise and a patience incredible to any one who has studied the Polish character only in Galicia and the kingdom.¹ They have learned from the Prussian oppressor the virtue of discipline, the commonest virtue in the Prussian and the rarest in the Pole. They have evolved a state within a state, a habitation for their Slavonic soul *in populo peregrino*, for the maintenance and continuance of which they must every hour tremble." This epitomizes the skilfully directed activity of the Prussian Poles in the organization of their economic life during the period of germanization.

The significance of their action lies in the fact that it disciplined the individualism of the unenlightened Pole and brought about, through cooperative agencies, various means for collective improvement and well-being. By mutual support of various enterprises, by the extension of credit to their countrymen, the Polish cooperative banks and societies integrated the economic activities of all the Polish lands subject to Prussia and even brought about the withdrawal of Polish funds from German banks. By the end of the nineteenth century, the Poles had so buttressed their economic organization that the Prussian administration could not have interfered without bringing financial disaster upon the whole province. Also, the cooperative organizations did much to counter the application of the German colonization laws by buying up the estates of both Germans and Poles and dividing them into Polish holdings. In either case, a Junker or a Polish magnate was removed from influence and his domain brought into peasant hands. At times, when estates were about to be expropriated, the Polish credit banks would buy first and parcel the land, thus disarming the government by an anticipatory policy. Through these means masses of Polish peasants found in the acquisition of lands in their own right an outlet for the pent-up feelings of repression, and acquired through constructive economic cooperation a new sense of dignity and national self-discipline. It was this nuclear

¹ The term "kingdom," as used in subsequent pages, refers to the territory restored to Russia by the Congress of Vienna in 1815. Thus the term is equivalent to "Russian Poland," though naturally the "kingdom" did not include all the Poles in Russia.

group of Prussian Poles, who had borrowed from their masters the technique of organization, to whom the Polish independence movement was to look eventually for much of its effective leadership.

Precisely because they were keenly aware of the undisguised motives of the German government, the Poles of Posen and West Prussia were politically hostile and formed an intransigent opposition. In the Reichstag they fulminated against the policies of the imperial government; in the Landtag they excoriated Prussia. They became past masters at satire, obstructionism and invective, but never adopted an opportunist policy or an attitude of rapprochement. The Poles in the Duma could see no hope from Russia; the Poles in Prussia were completely disillusioned; it was only the Poles in Galicia who saw prospects of ameliorating their own position through capricious flirtations with an exasperated ministry in Vienna. For Poland as a whole there was no hope of political liberation through any agency known to the pre-war world. In July, 1914, the Polish question, however frequently discussed by nationalist agitators in exile or abroad of their own volition, was distinctly a closed chapter.²

² From the Congress of Vienna to the outbreak of the World War, the history of Poland was generally dealt with in relation to the history of the countries which had acquired Polish lands by the partitions. See, however, C. K. Webster's *England and the Polish-Saxon Question at the Congress of Vienna* (London, 1913); W. Alison Phillips' *The Confederation of Europe* (London, 1914), and his *Poland* (London, 1915); Morfill, W. R., *Poland* (New York, 1893); Day, W. A., *The Russian Government in Poland* (1867), and Cleinow, Georg, *Die Zukunft Polens*, Band I, *Wirtschaft* (1908), and Band II, *Politik* (1914). On the Polish policy in Germany cf. Bernhard, Leo, *Das Polnische Gemeinwesen im Preussischen Staat* (Leipzig, 1910), and Butler, Ralph, *The New Eastern Europe* (New York, 1919). During the World War much ephemeral propagandist literature appeared from both Polish and Austro-German sources. After 1916, however, a large number of studies were undertaken by leading Polish nationalists to present officially the nineteenth century and earlier development of Poland. Among such may be noted: *Publications Encyclopediques sur la Pologne*: Vol. I, Part VI, *Vie Economique de la Pologne Prussienne* (Lausanne, 1917); Vol. II, Part IV, *Developpement territorial de la nationalité polonaise: Marches Orientales Polonaises*; Vol. III, Part IV, *Vie économique de la Lithuanie et de la Ruthénie*; Vol. IV, Part I, *Régime politique et administratif dans la Pologne Prussienne* (Lausanne, 1918). Cf. also two volumes in English: *How Prussia*

PROPOSED SOLUTIONS OF THE POLISH QUESTION

With the outbreak of the World War the Polish question immediately came to the fore, as the rival belligerents sought by various means to assure the loyalty of the Poles in their own domains and to win the loyalty and devotion of those in the enemy camp. A fortnight after the war began the Grand Duke Nicholas issued a proclamation to the Poles, seeking to rally them all to the scepter of the Russian Czar and promising fraternal reconciliation with Russia, a union of all the Polish peoples, freedom of religion and language and—autonomy. It was a nobly worded plea and doubtless sincere so far as the Grand Duke was concerned. While it undoubtedly inspired the Russian Poles to devotion to the cause which promised them a measure of freedom, the proclamation made little impression in Galicia, where the Austrophil Poles had inherited a tradition of hatred for Russia. Neither did it affect the disillusioned Prussian Poles. In consequence, the war became for Poland a bitter period of fratricidal strife, in which the three emperors flung their forces, with Polish contingents in each, at one another in the hope of a speedy victory.

The Austrian Poles, under the leadership of Joseph Pilsudski, who had fled from Russia to Cracow to escape Czarist persecution, rapidly organized a Polish battalion and invaded the territory of the kingdom of Poland, seeking to rally the Russian Poles to their side. From the Czar, they held, nothing was to be expected in view of the long line of broken promises of the Romanovs and a century-long repression of Polish nationalist movements. Their daring raid into the kingdom produced a

Governed Poland, and *A Brief Outline of Polish History*. A briefer résumé of the encyclopedic studies is Piltz, Erasmus (ed.), *Poland, Her People, History, Industries, Science, Art, Literature and Social Development* (London, 1919). Full documentation on the Polish struggle for independence is given in the *Recueil des Actes Diplomatiques, Traités et Documents concernant la Pologne*: Tome premier: Karol Lutostanski, *Les Partages de la Pologne et la Lutte pour l'Indépendance* (Paris, 1918). On the Jewish question in Poland cf. Segel, B., *Die Polnische Judenfrage* (Berlin, 1916); Bujak, F., *The Jewish Question in Poland* (Paris, 1919); Kutrzeba, Stanislaw, *La question Juive en Pologne* (Cracow, 1919) and Skierko, Adam, *Les Juifs et la question Polonaise* (Paris, 1919).

remarkable impression on the Russian Poles and not a few of their leaders came over to the Austrophil camp.

The vaguest outlines of an alternative solution to the incorporation of all the Polish lands underneath the scepter of the Russian Czar now began to appear to trouble, not only the statesmen in Petrograd, but to plague the foreign offices at Vienna and Berlin, creating at the same time endless anxiety at Budapest. So carefully had the racial adjustments been made in the confines of the dual monarchy that any territorial acquisitions on either half of the singular structure created by the *Ausgleich* were almost certain to wreck it. The Austrian solution became clearer as soon as the Russian offensives of 1914 had been checked on the Dunajec. The Austrophil Poles then clamored for the annexation of the conquered regions to Galicia, in the hope of an eventual incorporation of an enhanced Galician kingdom into a triple monarchy, thus solving in an unexpected way the problem which the murdered Franz Ferdinand was supposed to have cherished on behalf of the Jugoslavs.

With the Austro-German conquest of Russian Poland in 1915, the Russian solution of the Polish problem became hardly more than academic. Commissions of the Duma labored intermittently on a project of constitutional autonomy. Finally, a program of limited home rule was evolved which would have reserved to the imperial government all the fruits of sovereignty while lightening the burdens of the Petrograd bureaucracy in regard to matters of purely local administration and justice. Had the project ever been enacted into law, it would have somewhat resembled the constitutional organization which Finland possessed for the brief period from 1906 to 1910. But despite the promises of the Grand Duke's manifesto, no action was ever taken by the Czarist government, and it was left for the provisional government, when it came into power, to constitute the liquidation commission, already mentioned, in the hope of arriving at a friendly settlement with the Poles still in the Russian domain. Only in the event of a reconquest of the kingdom and the physical possibility of keeping its promises, would the Russian government's solutions have had practical significance.

As the war wore on, it became obvious that still other solutions

of the Polish problem were being envisaged from Berlin. Petrograd might debate projects of autonomy, Vienna and Cracow the trialistic transformation of the dual monarchy, but it was left to the designing minds in Germany to elaborate three variant solutions, all of which would have redounded to the credit and the glory of the empire. Of these the most ambitious was that attributed to the German crown prince and to von Hindenburg, which looked to a simple division of the spoils between Austria and Germany, allowing the former some two-fifths of the territory and the remainder of the kingdom to the latter. It was clearly a policy of annexation, of augmentation of the territory of both Austria and Germany without any consideration of the wishes of the indigenous population. It would simplify forever the military problem of defence against Russia by giving a shorter and simpler frontier. No change in the traditional policy of each of the partitioning governments was involved, and the Poles would have expected no greater kindness from them than they enjoyed in Galicia and in Prussia before the war. Bold and brazen in its annexationist principles, the project had the virtues of simplicity and frankness, and, had it been adopted immediately, might have spared both of the Central Powers the embarrassments of later squabbles. But, as a solution characteristically Prussian, it overlooked all considerations of nationality and would undoubtedly have confirmed openly the charge that German policies were patently imperialistic.

The second German project, alleged to be fathered by the Kaiser, Professor Delbrück and von Bethmann-Hollweg appeared, in view of the precarious international situation of the empire, more opportune. It was a solution which came to the fore more and more as the prospects of a decisive victory of the Central Powers receded. This project looked to the direct annexation by Germany of the provinces of Lomja, Suwalki and Courland; the rest of the kingdom of Poland, with the provinces of Vilna, Kovno and Grodno, was to be formed into an independent state attached to Germany by a customs and military convention. This solution would have detached the Letts and Lithuanians arbitrarily from their kinsmen; it would have con-

centrated under German rule a predominantly Protestant population, whose religious affinity to a Lutheran state church might make the connection with Prussia or the empire more desirable; and, finally, it would have created a broader and vaster barrier between the retruncated Poland and the Baltic Sea. Such a diminutive Polish state might then have safely been allowed a reasonable liberty of action in its national and intellectual development, while the military and economic controls would have remained under German auspices. The principal practical difficulty in this solution lay in its entire overlooking of Austria and of the sensitiveness of her monarch in matters of religion. This religious problem complicated the second solution, which presently was discarded as impracticable, but came near to being revived in a modified form after the peace of Brest-Litovsk, when Lithuania was groomed as a new Grand Duchy, and the plans for a personal or real union of Courland—if not of the whole Balticum—to the crown of Prussia came near to fulfilment.

The third German solution was to add the kingdom of Poland integrally to Austria, making it a dependent kingdom to Galicia—much as Croatia-Slavonia was constitutionally related to Hungary—and then to make sure of the final German control over the new Habsburg acquisition by concluding a far-reaching economic union of Germany and Austria. This would have gone far towards absorbing all of Austria into the German constitutional system in order to afford Germany the benefits of the exploitation of Poland, but it encountered serious opposition in Austria, whose political and economic freedom was not so flippantly to be bartered. Hence the economic scheme for this new Mittel-Europa broke down before Austrian dynastic pride and came to naught.

There remained only one other possible solution, that of creating an independent Poland without disrupting the constitutional relations existing between Galicia and the Austrian crown or between Prussian Poland and the rest of Prussia. This would involve the common action of both Austria-Hungary and Germany, under whose joint auspices the state was to be created, and on whose forces it must needs rely for protection.

The danger that lay in this particular solution was not merely that it might arouse the resentment of the populations of Posen and Galicia, but also that it might provoke a quarrel between the protecting Powers, just as, an even half-century before, Bismarck had so manipulated the administrative condominium over the Danish duchies as to force an ambitious Austria into a suicidal war. Yet all other solutions seemed excluded, since the sacrifice of any territory by either Austria or Germany to an independent Poland was unthinkable. Reluctantly, and after protracted negotiations, the two major Central Powers were forced to a realization of the necessity of creating an "independent" but truncated Poland.

In reaching their decision to accord an "independent" status to Poland as a satellite state in the Austro-German planetary system, the Central Powers were compelled to reckon seriously with the evolution of public opinion all over the world and in all parts of Poland—especially in the kingdom and in Galicia. Various forces, both in the three Polands and in foreign countries, gradually drove them to this decision. To begin with, in February, 1916, an attempt was made by Polish nationalist leaders on both sides of the battle lines to arrive at a common viewpoint. The only result was to start an international campaign for Polish liberation without, however, any agreement in method. To the pro-ally Russian Poles, the idea of a German or even an Austrian solution to the Polish question was unthinkable, hence the Polish National Committee, under the leadership of Roman Dmowski and Ignace Jan Paderewski, sought for allied support and a favorable neutral opinion for the liberation of Poland through the joint efforts of the allies. So long as the Czarist régime was in power in Petrograd, however, no agreement among the Poles themselves as to the means for their liberation was attainable. Rival propagandists visited various countries, particularly the United States, pleading for differing solutions to the problem. Despite this division of forces, the Polish question was increasingly brought to the attention of the allied public, and it became necessary for the Central Powers to act openly to counteract the effort of the pro-ally propagandists. Two years had passed since the Grand

Duke's manifesto and Russia had done nothing. If the Central Powers could bring forward some concrete measure, it would quite undermine the effectiveness of foreign propaganda hostile to their cause. Thus considerations of an international character were not the least among the motives for decisive action on the part of the Austro-German coalition.

In addition, however, the state of internal public opinion made some such move necessary. The heterogeneous party groups in Galicia had early formed a "Polish Club" of Reichsrat and diet deputies but it was not until May 1, 1916, that a demand was openly made in Austrian political circles for the creation of an independent Polish state. Thereupon the Central Powers were impelled to a program of administrative devolution and a relaxation of the severe military control they had exercised over the conquered kingdom. By military decree of the governors-general of Austrian- and German-occupied Poland, municipal elections were ordered, first in Warsaw and then in the other large cities of the kingdom. The prospect of a return to some semblance of political life galvanized all elements of the population into action.

Out of these there was formed, on July 4, 1916, a National Council of the kingdom, comprising representatives of all but extreme Right and Left elements, the first nucleus around which the political life of the kingdom might shape itself. Then, with the inevitable multiplication of various organizations in different parts of the kingdom and Galicia, all looking to the creation of a Polish state in the near future—organizations which presently embraced not merely the intelligentsia and bourgeois elements but also large numbers of the peasantry—came demands for a constituent diet at Warsaw and for independence and freedom from the Russian yoke. These were the first reactions of the national spirit. Thereafter, as the prospects of the restoration of civil government came nearer, pro-Austrian and pro-German sentiment multiplied, while Czarist Russia, sinking into darker and darker intrigues as Stürmer and Protopopov came on the scene, offered no hope of rescue from the control which the Central Powers now exercised over all Poland.

By the latter part of 1916 the lines of partizan division were many, but chiefly they were (1) between social classes—bourgeois and proletarian—and (2) between groups of “activist,” “opportunist” and “passivist” orientation. Of the latter groups, the activists were the partizans of rapprochement with the Central Powers, and were generally ultra-conservative and monarchist; the opportunists were guided by expediency or the latest turn in the diplomacy or strategy of the belligerents; the passivists were sullenly or openly opposed to the program of the Central Powers and hoped for a Russian or an allied solution to their problem. Singly or in combination, these different trends in the national psychology gave opportunity for the most varied political expression, yet, in the main, the reactionary elements were activist, the intelligentsia and democratic elements passivist, while the socialist elements tended to opportunism, although they were generally Austrophil and hostile to both Russian and German tactics and programs. These remained the salient traits or “orientations” of Polish political groups until the end of the World War.

THE KINGDOM OF POLAND, 1916-1918

Such was the general political situation in Poland when, on November 5, 1916, the German and Austrian emperors issued a joint rescript and manifesto creating from the Russian Polish districts under occupation “an independent state with a hereditary monarchy and constitution.”³ Although the details of its future organization were left vague, the creation of a Council of State made up of twenty members carefully chosen by the German and Austrian governors-general was promised as the first real functioning institution of the new order. Meanwhile, much fuller autonomy was promised the Galician Poles by a special rescript of the Austrian emperor.

The November Manifesto, coming at such a dark moment in the war, produced immediate and profoundly far-reaching results in all parts of Poland. In Prussian Poland, which was unaffected by the manifesto, it promptly led to the shifting of

³ See Documents 2-3.

programs from the hitherto exclusively economic terrain to that of politics, and to the organization, under Adalbert Korfanty, a Silesian miner sitting in the Prussian Landtag, of a Party of National Action in the Prussian State. Thenceforth, until the German revolution in 1918, this party was destined to carry on single-handedly in Prussian Poland the struggle for the idea of the reunification of Poland.

In Galicia the manifesto produced hostile and, in some instances, skeptical reactions. The nationalist organizations affiliated with those in the kingdom were loath to discontinue their activity until the "independent" state should have its own full-fledged institutions. Furthermore, the manifesto itself was distinctly disappointing to the Austrian Poles, as it clearly cut across the program which their more ambitious politicians had hoped to realize—the allying of the destinies of the kingdom to those of Galicia. The promised autonomy for Galicia, too, was not forthcoming, so the net effect of the manifesto and the rescript was merely to increase the demands of the nationalist leaders for more substantial independence.

As for the Poles in Russia proper, the November Manifesto created initially an impression of anguished disappointment. They felt that, through the delays of the Duma commissions and the inactivity of the Czar's ministers, the diplomatic and political advantages had passed to the side of the Central Powers. Presently, however, some of the nationalist leaders in Petrograd, preferring the modicum of practical achievement offered by the Central Powers to the vague promises of an indifferent Czar, began to take on a "Novembrist" orientation, placing their faith on the integral realization of the manifesto.⁴

It was in the kingdom, however, that the manifesto produced the most far-reaching changes. If the beginnings of an autonomous municipal life had awakened to fervid activity the many political factions which had stagnated since the beginning of the war, the promise of independence and of the creation of

⁴ This division in the ranks of the Russian Poles was destined to be continually accentuated, even after the outbreak of the Russian revolution, and somewhat diminished the convincing force of the pleas of the Polish National Committee abroad.

genuine Polish institutions greatly influenced the political situation, and the new party alignment in relation to the manifesto developed along the lines of activist, opportunist, passivist and class programs. Naturally the activists were heartily in favor of the institutions bestowed by the Central Powers; the opportunist elements, seeing nothing to lose and everything to gain by cooperation with the plans of the occupying authorities, quickly lent their support. The passivist, pro-ally groups, as in Russia, were torn between their desire to acknowledge any institutions working for the establishment of Polish independence and their loyalty to the allied cause. Most of them accepted the Council of State reluctantly, but, to the end of the occupation, refrained from active cooperation with its founders. The extreme Left parties, especially the Polish Socialist Party, frankly boycotted the organization as being false to the interests of the Polish nation.

The erection of the Council of State was not an easy task. The political groups brought into being by the November Manifesto rapidly put forth demands as to its nature and composition which proved embarrassing to the occupying authorities. A new, reorganized National Council, including all elements favorable to the creation of the Polish state, endeavored to set forth conditions of membership and to outline the functions and jurisdiction of the Council of State, as though it were they, and not the occupying authorities, that had called the organization into being! Some sought mild legislative initiative for the new institution; others would have endowed it immediately with full legislative power, or would have summoned a diet and made the Council of State a responsible ministry ready to undertake full administration of domestic and foreign affairs. But such ambitious designs were far from the mind of the emperors and their governors-general.

The result was to leave representation in the Council of State to the conservative activist groups and such mediocre middle-class opportunists as were personally interested in the fate of the body. The actual selection of a picked membership required endless diplomatic discussions with party leaders and Pilsudski, and taxed the patience of von Beseler, the German governor-

general, and his Bavarian satellite, Count Lerchenfeld. At length a body of twenty men, largely composed of landed proprietors, upper bourgeois and professional men, was created, which left out of consideration all the Polish nobility on the one hand and the proletariat on the other—approximately nine-tenths of the nation. The Council of State was given to understand that it must be definitely subordinate to the occupying authorities, but that within its limited competence it was to “constitute the state and guarantee recovered liberty”—a pronouncement so vague as to disappoint and ultimately disrupt the ambitious National Council.

Once constituted, the Council of State adopted its own internal constitution on January 30, 1917, and organized the preparatory commissions to draft future legislation. It selected the commissioners to take over the task of local administration and created eight executive departments to deal with war, finance, political affairs, interior, social economy, labor, justice, public instruction and worship. Each of these departments was furnished with an advisory council of experts to assist the director and to aid in the drafting of legislation. Finally, a constitutional committee was appointed to draft a future fundamental law.

Thus intrusted with a few basic tasks, the Council of State was left gradually to broaden its activities under the vigilant eye of the occupying authorities, the latter declaring themselves ready to receive its proposals in regard to the organization of justice, public instruction, religious affairs, arts and sciences, commerce, agriculture and charity, so long as no activities were undertaken that should impair the prerogatives of the military authorities under international law. Thenceforth, until the creation of an executive in the form of the Regency Council on September 12, 1917, the Council of State aridly debated the possibilities of different Catholic princes of Austria and Germany as suitable candidates for the regency. Meanwhile the constitutional commission, complemented by outsiders called into consultation, came to loggerheads with the Council of State over the question of the regency and steadily undermined its authority.

Scarcely had the Council of State been inaugurated when the

Russian revolution brought about a profound change in the international situation. The principal obstacle to the Russian solution of the problem, according to Poles in Russia, was removed and, with the appointment of the Polish liquidation commission by the Russian provisional government, their hopes arose, while the activist partizans of an Austrian or German solution received a distinct setback. But differences in method at once arose in the Russian camp, and the Polish National Committee in Petrograd sponsored the attitude of the provisional government, hoping to obtain the maximum possible concessions for Poland without coming to a break with it. The Polish liquidation commission, however, developed a strong Novembrist attitude and favored building upon the foundations laid by the Teutonic powers.

As the summer of 1917 progressed, Lednicki, on behalf of the liquidation commission, met with the representatives of the kingdom at Stockholm and endeavored to arrive at a common program which should take the existing institutions of the kingdom, i.e., the Council of State and its commissions, as the nuclei of future political organization. By so doing, Lednicki alienated the majority of the Russian Polish representatives at Petrograd and Moscow, and broke with the Polish National Committee, these considering him as openly activist and as playing into the hands of the Central Powers. It is hardly likely that Lednicki was a villain of so deep a dye, but rather that he was a stern realist in politics and preferred, as did Pilsudski, to accept, however grudgingly, the concessions made by the Central Powers as the minimum possible program, hoping to wrest from either Russia or the allies, or both, more substantial concessions when the fortunes of war were more propitious. Thus far, only the pronouncement of the provisional government and the impartial statement of President Wilson on January 22, 1917, favoring "a united, independent and autonomous Poland" had emanated from allied sources, whereas the Central Powers had at least created the working basis of national institutions.

The repercussions of the Russian revolution in the kingdom were various. Those who had remained staunch adherents of

the Czar were torn from their political moorings and cast by the tides of the revolution in every direction. Many gave up all thought of a Russian solution; others, without openly going over to the activist camp, accorded support to the Right bloc of democratic parties mildly favorable to the Central Powers or remained in sullen opposition without a program; others sought to follow the program of the Galician Poles, who attempted to extort from the Vienna government as far-reaching concessions as the provisional government had offered in Russia.

When the Austrian Reichsrat met on May 30, 1917, for the first time since the beginning of the war, it was faced by far-reaching declarations made by the Polish Club of Galician deputies demanding a united Poland with access to the sea, stating that the Polish question was an international one, making claims to the lower Vistula Valley and to Danzig, while suggesting that Poland, when reunited, should be a neutral state.⁵ Obviously these demands were such as would break down the division historically sanctioned by the partitions and the Congress of Vienna, and they caused a distinct sensation in the dual monarchy, leading directly to the downfall of the Clam-Martinič ministry. In May, 1917, the Poles of the kingdom submitted a somewhat similar program to the occupying authorities, demanding that more authority and power be given to the institutions established by the November Manifesto. To this the Central Powers replied somewhat colorlessly, suggesting the appointment of a regent when the Council of State should have succeeded in effectively organizing the administration.

Here matters came to a deadlock, and the institution sponsored by the Central Powers proved distinctly refractory, particularly over the rôle to be played by the Polish legions, which Pilsudski had been largely instrumental in recruiting. When the occupying authorities endeavored to impress the legions into the Austro-German armies and force them to take a Germanophil oath of allegiance, Pilsudski left the Council of State, which thereupon resigned *pro forma*; three-fourths of

⁵ This was virtually the only suggestion made during the war of the neutralization of Poland. Cf. pp. 202, 225 (Finland); 285, 314 (Estonia), 349 (Latvia), 380, 401 (Lithuania).

the legionaries refused to take the oath, and both the intrepid Polish leader and his cohorts found themselves interned by the Germans on the accession of Michaelis to the German chancellorship in July, 1917. This was a rude and stunning blow from which the Poles in the kingdom recoiled violently. It shattered the prestige of the Council of State which had prescribed the oath for the legions, and the cause of the Central Powers was irretrievably ruined. From now on, the velvet glove was disappearing from the mailed fist; the real designs of the Central Powers in bargaining with Poland were manifest. There was left, as the result of this drastic action, "the ruin of a Council of State completely stranger to the nation and . . . only a shadow of its former self, the impossibility of constituting a Regency Council, the indefinite postponement of the formation of an activist cabinet." This was a contemporary appraisal of the results of the undisguised policy of the mailed fist.

From now on the Galician Poles, whose hero, Pilsudski, had been thus treated by the German authorities, besought both the Austrian and joint ministries for his liberation, trying to influence the dual monarchy to insist on the program of Polish unification and the liberation of the legions, while also stressing the right of the Poles to self-determination. In the face of these new demands, issuing from the midst of the most loyal following of the Austrian cabinet, the Austrian and German governments quarreled. The dogmas of the Russian revolutionaries and the clear-cut pronouncements from Washington were beginning to bear fruit in the sowing of dissension between the chief belligerents. A further disturbing factor, which finally goaded the Central Powers into formal action, was the rumor that, at the insistence of the French government, the British and American governments were about to join France in recognizing a cabinet headed by Roman Dmowski in Paris, as the legitimate government of the Polish state.

In order not to be outdistanced by the allied governments, the Austrian and German emperors were forced to issue on September 12, 1917, a rescript instituting a Regency Council of three members to be named "by the monarchs of the Powers which are masters of the country" and creating, subordinate to the Council, a responsible ministry. This definitely established

an executive authority, to which, in turn, were entrusted the care and organization of the judicial and administrative services. So far as it was possible to act by rescript, without consulting the populace, this new act provided for a full-fledged government without popular sanction, without extensive competence or jurisdiction, and without national spirit. It was realized that the Council of State needed reorganization, hence the two monarchs provided for its reconstitution by special law to be promulgated by the Regency Council. All rights of international representation of the country were, however, expressly excluded during the period of the occupation.

After considerable party negotiation, the two emperors finally named the three members of the Regency Council on October 15, 1917, one being a landed magnate, the other a Catholic archbishop and the third the activist mayor of Warsaw. By the third week in November, Jan Kucharzewski, a well-known publicist and man of letters, though a rather colorless personality, was chosen premier and gathered about him a group of hand-picked "resolute activists" like himself, who were chosen without reference to their original party affiliations. At this time the portfolios assigned the Polish cabinet consisted of those of the interior, food supply, industry and commerce, public instruction and worship, labor and public welfare, justice, agriculture, and finance. No portfolios of war or foreign affairs were assigned. It was obvious, therefore, that so long as the kingdom was under German tutelage, the control of external relations would remain in abeyance. So adamant were the Central Powers on this principle that they insisted on the exclusion of Polish representatives from the ensuing conference with the soviet government at Brest-Litovsk, brazenly notifying the Polish government that this exclusion was the work of the Bolsheviks.

The creation of the Regency Council and a cabinet represented the high water mark of German political constructiveness, and marked the final diplomatic victory of the Central Powers over the allied governments in bidding for the support of the Poles. Thereafter, the deliberate encouragement of the nationalist movements among the Ruthenes and the Lithuanians, and the

bold bartering of so-called "historic territory" of the ancient kingdom in the course of the Brest-Litovsk negotiations, progressively discredited the German and Austrian governments in the eyes of the whole nation and made the Poles of all parts of the partitioned kingdom look more and more to the allied governments as the trustworthy friends of the Polish people. Here the famous Thirteenth Point of the Wilsonian peace program, providing for a unified Poland with access to the sea, did much to rally the feeling of all Poles, whether in the kingdom, in Galicia, in Russia, or in Prussia, towards a democratic solution of the Polish problem. But it did not prevent fundamental differences of opinion as to whether the announcement made on behalf of the allied governments referred to "historic" or "ethnographic" Poland. It was this subsequent divergence between the Polish groups devoted to one or the other ideal which somewhat marred the diplomatic efforts of the Polish National Committee and other pro-ally organizations in setting their aims before the allied public.

The culminating act of perfidy on the part of the Central Powers was the negotiating of the treaty of Brest-Litovsk. In seeking to create in the Ukraine a new domain to be ruthlessly exploited, the Central Powers bartered to the Ukraine and to Russia parts of the district of Chelm, and utterly ignored the Polish pleas for participation in the negotiations. When the news of the treaty's signature and its provisions became known, even the "resolute activist," Kucharzewski, and his reactionary cabinet resigned. The populace of the kingdom was stunned; black flags were unfurled from the public buildings in Warsaw and bloody encounters took place between the Poles and the occupying troops.

In the Austrian zone, Count Szeptycki, the Austrian governor-general, resigned, and the Poles in the Reichsrat and the delegations forced the resignation of von Koerber, though the emperor and Count Czernin induced him to return to office. Everywhere the "bread peace" that had been promised by the Central Powers was stigmatized, in burning and bitter words, as a fourth partition. "By the stroke of a pen," wrote a Galician newspaper, "Count Czernin wiped out half a century

of the history of Galicia. . . . We will look on the future with calm. A people which has resisted Paskievitch, Mouraviev, Metternich and Bismarck, Stadion and Bach, can await without fear events which will shake the world, provided it is homogeneous and united. . . . The solution will not take place only at Vienna, or at Berlin, any more than it has taken place at Brest-Litovsk."

Similarly, in Prussian Poland, hitherto almost a silent spectator of the events in the kingdom, the *Kurjer Poznański* wrote: "The vivisection carried out on the organism of Poland is so flagrant a denial of the moral principles on which the new world order was to be built that it is impossible to consider it as an accomplished and irrevocable fact. Poland will not fail to demand her rights; she will not renounce her quest for her legitimate possessions."

It was in the Reichsrat, however, that the real extent of the damage was revealed: in flaming words a Polish deputy cried out, "If the minister [Count Czernin] has wished to push a people to revolt, if he is aware that he has trampled our rights under foot, we will tell him that we draw from this a double lesson, namely, that it will not be possible in the future to tie up the cause of peoples to the interests of a dynasty, and that, on February 9, 1918, the star of the Habsburgs was extinguished in the Polish heavens."

It was no idle metaphor. Thenceforth Czechs, Poles and Jugoslavs went into irreconcilable and intransigent opposition, to mine and sap the bastions of the monarchy and prepare the way for disruption and revolution. The German-Polish alliance in the Reichsrat, on which the hopes of many an Austrian statesman had been built, was now forever shattered and, despite the temporary truce effected after the disappearance of Czernin and von Seidler, the Polish deputies were no longer vassals in the Austrian parliament. A new sense of Slavic solidarity supplanted the activist policy, and the era of blind subservience or fastidious opportunism in the Reichsrat was over. Viewed in retrospect, it must appear both inevitable and obvious that the blind callousness of the Central Powers to the spirit of nationality at a time when national aspirations were at floodtide should

doom the plans of the Austro-German dynastic coalition to destruction; certainly the peace of Brest-Litovsk aroused in the Poles a feeling of injustice unequalled since the last of the partitions.

After the crisis produced by the Peace of Brest-Litovsk, the empty play of cabinet-making and state-building went on, but the Council of State, as finally reconstituted, was utterly swamped by appointive conservative and activist members, and plans for constitutional development came to a standstill. Only the looming specter of Bolshevism on the eastern frontiers drove the frightened Polish landlords closer to their German protectors during the final military effort of the Central Powers in the spring of 1918. The gap made by the resignation of the first constitutional ministry was left unfilled for almost two months. Then a new cabinet appeared, headed by an Austrian Pole, Jan Steczkowski, a Galician banker and member of the Austrian Herrenhaus, with an even more activist complexion than that of its predecessor. For the sake of ostentation, a department of foreign affairs was created, under Prince Janus Radziwill, a German subject and a strong conservative, but the absence of ministries of commerce, industry and food supply showed the emptiness of the structure behind this activist façade. Vague promises to summon the Council of State, which was in turn to summon a diet, were coupled with pronouncements on local institutions, reimmigration, agrarian reform, protection of labor and social legislation.

Until the end of the war all thought of internal reforms or domestic legislation was overshadowed by the military and diplomatic events. When the Central Powers were at the height of their last military victories, Steczkowski put forward his foreign program, consisting of an alliance with the Central Powers, guarantees for the independence of Poland and the integrity of the kingdom, addition of the eastern districts and rectification of the Ukraïno-Polish boundary, conformably to strategic—and nationalistic—necessities. He also proposed a commercial convention assuring the kingdom free access to the sea by way of free navigation on the Vistula. This was a program utterly in consonance with a German solution of the Polish

problem and one that sought to realize the Wilsonian doctrine of access to the sea without any infringement of the sovereignty of Prussia. At the same time it was a plan conditioned on a German victory and an encroachment on the lands ethnographically Lithuanian. For both reasons it was destined to be vitiated.

At the same time the Austrian government laid before the Reichsrat a bill to divide Galicia administratively and to accord the Ruthenes their autonomy. This only served to embitter the Austro-Polish feud, and ended in the resignation of von Seidler and the return of Austria to an anti-Ukrainian policy under Premier Hussarek at an hour when the process of dissolution had begun.

The final blows at the Steczkowski program were struck not by the Galician or the kingdom parties but by the armies of the allies on the western front, and by the endless deadlock of Austria and Germany over the Polish question. In the indescribable party confusion which followed the abrupt realization that the death-knell of the Austro-German régime had rung Steczkowski and his cabinet disappeared, followed by the Council of State, which was adjourned by the Regency Council a full month before the Central Powers sued for peace. A period of frenzied negotiations followed in which no activist, however resolute, could muster even a hand-picked cabinet responsible to the Regency Council, now the last institutional vestige of the Austro-German scheme. As soon as the defeated Central Powers accepted the Wilsonian program, a Polish solution of the Polish question became a living reality. The Regency Council immediately dissolved the Council of State and promised a democratic cabinet, a new electoral law, and a constituent diet within a month. To such a diet the Regency Council promised to resign its powers.

In this hour of dissolution and reunion, all activists and opportunist elements were patently out of touch with the new spirit of the country and only those who had resisted the seductive promises of both the Austrian and the German governments were in a position to assume authority. But here again, as everywhere during the whole wartime period, there were

divided counsels, giving evidence of the incurable inability of the Poles to cooperate. As a consequence, once the activist and opportunist groups were eliminated, the intransigent Left parties, infected with the doctrines of social revolution, remained to oppose the passivist parties of the Right, primarily bourgeois, while the other element, a "moderate" Left with a radical democratic program of political and social reconstruction, held the balance.

The only common doctrine of these groups was republicanism. The Right party federations, scrupulously democratic, were hardly inclined to tamper with the existing structure of society at a time when the evidences of social dissolution abounded on every side; the vested interests of property must be preserved under a régime of political liberation, and large estates, still in the hands of the scions of the old Polish nobility, must remain intact. On the other hand the Left extremists, openly sympathetic with the soviet régime in Russia, wished to clear away the debris of an archaic order of society and land tenure by a series of far-reaching and drastic social reforms. It remained, therefore, for the moderate Left parties to set forth a social program that should strike a happy mean between mere constitutional democracy and basic, even violent, social transformation.

This problem the Polish Populist Party endeavored to face. In this grouping the agrarian elements of the kingdom found their principal representation, rallying around a program which placed its primary insistence upon the abolition of feudal land tenure and the inauguration of agrarian reform. The strongly democratic program of the party was epitomized in a single sentence: "The Polish state died as a state of the nobility; it must rise again as a state of the people." To achieve that program distinct social changes would be necessary, but not such as to depart, in letter or in spirit, from the doctrines of democracy.

These, in brief, were the political forces at work in the hour of Poland's liberation. In the face of "an extreme Left which openly prepared for revolution, a bloc on the Left which wished to keep all power to itself and save Poland by Pilsudski, an activism which was not yet totally disarmed and which the

Regency Council appeared to serve docilely," politicians endeavored in vain to form a working cabinet. Finally, on October 22, 1918, Joseph Swierzynski, a National Democrat and former member of the Duma, formed a cabinet whose component members were largely drawn from the so-called "Circle of Parties," which had remained throughout the war unflinchingly true to the allied cause. The cabinet was ostentatiously made up for the sake of its effect abroad in demonstrating that the activist elements had been thoroughly subordinated to the representatives of a conservative democracy.

The program which Swierzynski sponsored clearly demonstrated the reaction against activism. The government promised to proceed as soon as possible to the convocation of a diet elected by equal, direct, secret, universal and proportional suffrage, and to the enactment of the preliminary agrarian and social reforms needed by the peasant and working classes. In addition, the floating of an internal loan, the organizing of a national army, the undertaking of public works to relieve unemployment, and the provision of an adequate food supply were announced. The cabinet assured to all citizens, without distinction of nationality or confession, the conditions of order and security necessary for the reconstruction of the country. It was not a sensational program but one which evidenced the passion of the bourgeois parties for a régime of law, order and security. In view of imminent dangers in the frontier zones where clashes between Poles and Czechs, Ruthenes and Lithuanians were occurring, Swierzynski endeavored to arrive at peaceful settlements. He found his hands tied, however, by the lack of adequate military forces and by the overwhelming nationalism of the Poles, who became highly impetuous as the day of liberation approached.

Where unity of action of all three divisions of Poland was most vital, the incurable inability to cooperate was at once manifest. While pleas for consolidation of forces emanated from Posen and Warsaw to Cracow, the Galician parties, particularly the Left groups, stood aloof and prepared a dramatic *coup d'état* which was to inaugurate at Lublin, under the leadership of the socialist, Ignace Daszynski, an independent People's

Republic. This ambitious and foolhardy venture, which might have ended in disaster for the whole Polish state, was fortunately brought to an abrupt close by the German revolution and the dramatic liberation of Pilsudski from the Magdeburg fortress to which the two emperors had consigned him. Returning suddenly to Warsaw, Pilsudski found himself in the midst of complete chaos. The Swierzynski cabinet, realizing that the Regency Council had outlived all possible usefulness, had prepared on its own part a *coup d'état*. At the crucial moment, however, it had failed, and the premier, shrinking from the wrath of the Regency Council, had signed, at the latter's instance, a parting rescript and effaced himself and his cabinet from Polish politics. As a result, there was no orderly government in Warsaw, and the Regency Council welcomed the opportunity of vesting all its powers in the person of Pilsudski, the national hero, and then disappearing in the wake of Swierzynski.

The rôle which Pilsudski had to play was heroic. Quickly the military leader conferred with all political factions, then, recurring to his early socialistic and revolutionary doctrines, he extended his hand in friendship to Daszynski, who was thereby released from a precarious position at Lublin,⁶ and forthwith

⁶ The Daszynski *coup d'état* was prepared in Cracow by an intransigent socialist minority. On the night of November 6-7, 1918, the Galician leader and a handful of friends descended upon Lublin and proclaimed themselves "The Provisional Government of the People's Republic," pretending to assume authority over the entire Polish nation. But the military elements which had made the proclamation of the German Republic at Kiel, Hamburg and Munich a success, and which had bolstered up socialist governments in Budapest and Vienna, under Karolyi and Renner, were lacking in Lublin, and the legionaries and other Polish military groups had scant faith in a demagogue parliamentarian. Pilsudski was the real man of the hour, and they would accord support to no other. Thus the extreme socialist movement in Poland, which, had it possessed greater military backing and support, might have developed into a Spartacist menace, rapidly disintegrated before the influence of Pilsudski. It is hardly to be doubted that Daszynski and his friends planned a revolution for the anniversary of the Bolshevik *coup d'état* in Petrograd, even as Ledebour, Haase and others did in Berlin. The signal and outstanding difference was that the imprisoned hero of the German proletariat, Liebknecht, had lost all sense of political realities, while in Warsaw the Polish idol, Pilsudski, had not. It is also a singular commentary on

constituted an all-socialist cabinet under André Moraczewski, a Galician, Pilsudski himself retaining the portfolio of war. Although his great popularity with the Legions made him in reality a dictator, his policy of entrusting the entire government to socialist hands, pending the elections to a constituent diet, extremely exasperated the Center and Right parties—now neither “activist” nor “passivist,” these designations having become obsolete on the collapse of the Central Powers.

Little wonder that a violent reaction took place in the public mind. Within a week Poland had passed without transition from a monarchist, aristocratic and Catholic Regency Council to a republican, proletarian and free-thinking government. It was so sudden and drastic a change as to be disconcerting on economic, class and religious, as well as on political, grounds. To the Prussian Poles, who had just appeared on the political scene, and who would have been able, had they shared the responsibilities of power, to introduce into the public life of the country some of the essential elements which it lacked and to crystallize the disorganized forces of the nation into some semblance of order and accountability, the policies of Moraczewski were singularly distasteful. The other parties in the kingdom and Galicia also accused Moraczewski of attempting to achieve at one fell swoop all the social reforms of a decade and of endeavoring to copy German and Russian revolutionary tactics. In foreign policy the Moraczewski cabinet was vacillating, and it declined to cooperate actively with the Polish National Committee in Paris, which was now the one body to which the allied governments were looking for the articulation of Polish opinion and policy. Such an unstable situation was dangerous, but no outstanding personality was at hand to counter the influence of Pilsudski or give effective expression to the wishes of the democratic parties of the Center and Right.

For almost two months after the armistice this instability

human nature that Karl Liebknecht, who had been a lifelong pacifist, came out of prison preaching class warfare and the destruction of the upper classes, while Pilsudski, the man of war and the soldier, emerged from similar seclusion preaching solidarity of all classes, order, and social peace.

continued until the attempt of a small group of reactionaries on the Right forcibly to depose Moraczewski and his colleagues aroused Pilsudski to the dangers of the situation and to the necessity of securing a national majority behind the government. Even Moraczewski, who had been resolutely opposed to sacrificing the position which an artificial combination of circumstances had given the socialist coalition, was forced to admit that it was only by collective effort of the whole nation that the menacing spread of Bolshevik propaganda and the clashes on the frontiers of the country with Germans, Lithuanians, Czechs, Russians and Ruthenes, could be stopped. In this emergency, Pilsudski summoned to the premiership, as the harmonizer of the dissident and discordant elements of Prussian Poland, Galicia and the kingdom, Ignace Jan Paderewski. Aided by his detachment from partizan conflicts, by his unsullied devotion to the allied cause and his international renown, Paderewski sought to bring into being a strong national government, "a ministry of national talent," irrespective of partizan considerations.

The emergency was great, the need for national union imperative. The allied governments were looking to Warsaw for a single government to represent the whole of the country. Where other men of more mediocre talents had negotiated in vain, Paderewski, largely by his personal magnetism, succeeded. On the day when the Peace Conference of Paris opened, the Great Powers there assembled learned that Paderewski had finally created a truly national government which was destined, in the course of 1919, to consummate the deliverance of Poland and renew organically the ties that had been severed when Poland underwent partition. At last, after a century and a half, Poland, united and indivisible, took her place at the council table of the nations. Partitioned in the moment of Prussian, Austrian and Russian autocratic ascendancy, she found her new unity only when the three great partitioning empires were in the throes of dissolution.

CHAPTER XIV

THE RE-UNIFICATION OF POLAND: II

POLAND AND THE PEACE CONFERENCE OF PARIS: *The Recognition of Poland—Poland and the Thirteenth Point—The Paris Settlement—East Prussia and Upper Silesia—Danzig—Teschen, Orawa and Zips—Eastern Galicia—General Characteristics of the Settlement—The Minority Guarantees Treaty—Poland as a Bulwark Against Bolshevism—Poland and the Balance of Power.* POLAND, GERMANY AND RUSSIA, 1918-1920: *Effects of the Brest-Litovsk Treaties—Kessler and Marschlewski—War on Two Fronts—The Russo-Polish War, 1919-1920—Negotiations with Russia—The Preliminary Peace of Riga.* THE PEACE OF RIGA: *Trend of the Negotiations—Political Clauses—The Economic Settlement—Significance of the Riga Settlement.* INTERNAL RECONSTRUCTION: *Constituent Diet Elections—Party Programs—First Steps Toward Agrarian Reform—Administrative Reorganization—Formation of New Parties—Skulski, Grabski and Witos.*

POLAND AND THE PEACE CONFERENCE OF PARIS

ON the opening of the Peace Conference of Paris, a united Poland appeared to resume her place among the nations. The gifted envoys of the nation, Roman Dmowski and Ignace Paderewski, representing respectively the Polish National Committee, which had so long and so effectively sponsored the Polish cause in allied capitals, and the new concentration of political forces at Warsaw, found no obstacle to their admission as fully accredited delegates of the new country. Despite the fact that scarcely three months before Poland had been possessed of a government strongly under German influences and domination, none of the allies would gainsay the country her representation at the peace table. Although the formal acknowledgements of her *de jure* independence had not been made before the conference opened, Poland was not forced to make pleas for recognition. Herein she differed widely from the other Baltic countries which had severed their connections with the Russian Empire. These had to plead their cause for two long years in the midst of

allied vacillations in regard to Russia. Poland, on the other hand, was tacitly admitted as a fully sovereign state, whose reconstitution had been agreed upon beforehand, whose independence was taken for granted. It remained, therefore, for Poland to present her claims, not for recognition, but for territory. Her case was not a legal argument, as was Esthonia's, but rather a definition of boundaries.

Reference has already been made to the various interpretations placed upon the concept of a unified Poland with access to the sea. As amplified in Mr. Wilson's Thirteenth Point, Poland was to "include the territories inhabited by indisputably Polish populations, which should be assured a free and secure access to the sea, and whose political and economic independence and territorial integrity should be guaranteed by international covenant." The acceptance of this definition by both the allied and the defeated Powers made possible its application by the peace conference and its subdivision into the various constituent principles involved. By the creation of the League of Nations, with its pledge of guarantee of territorial integrity and existing political independence, part of the problem was solved. It will be noted, however, that the Covenant did not touch the extremely difficult and complicated question of economic independence, which was destined to vex the deliberations of the conference and its Polish commission. Likewise, the general internationalization of inland waterways, which was undertaken by the various peace treaties, provided for free access to the sea, but left unsettled the guarantees for secure access, thus creating another perplexing question. There remained but one other problem for solution—the determination of the territories inhabited by "indisputably Polish populations." On this point the divergence of interpretations was widest, as the conflict between the concept of an ethnographic Poland and one which should embrace historic Poland was inevitable. These three fundamental problems of economic independence, secure access to the sea, and the determination of indisputably Polish territory were the principal objects of discussion; their solution in a way favorable to Poland became the prime objective of the Polish delegation.

It is immaterial here to consider all the proposals laid before the Paris conference in this connection; suffice it to say that no single treaty could deal with all of the problems involved, particularly as Russia was unrepresented at the conference, save by the reactionary and conservative anti-Bolshevik groups. By the Treaty of Versailles, however, the major portion of the problems were disposed of, as that instrument defined the western, northern and part of the northeastern frontiers, while the Treaty of Saint Germain and various resolutions of the Supreme Council defined the southern and southwestern frontiers. None of these acts, however, dared attempt to settle definitively the eastern frontiers of Poland. It was not in Paris, but in Moscow, Minsk and Riga, that the eastern settlement was ultimately to be determined.¹

The settlement made by the Treaty of Versailles gave to Poland an almost purely ethnographic boundary on the west and north, providing for the decision of the boundaries between Poland and East Prussia and between Poland and Upper Silesia

¹ There is a voluminous literature on Polish territorial and economic claims. Among the documents officially submitted by the Polish government to the peace conference, the following should be noted: *Upper Silesia: Her Economic Union with Other Polish Territories* (Paris, 1919); *L'Industrie du pétrole en Galicie; Memorandum on the Economic Situation of United Poland and the Necessity of Meeting Her Most Urgent Needs* (Paris, 1919); Buzek, J., *La question de la Silesie de Cieszyn* (Teschen) and *Les protestants polonais et la question des frontières occidentales de la Pologne* (Paris, 1919).

The following documents, sponsored by the Polish delegation to the peace conference, but not officially presented, illustrate the exaggerated character of Polish territorial claims: *Memorandum on the North and Southeastern Frontiers of Restored Poland* (Paris, 1919); Choloniewski, A., *Dantzig, Ville Polonaise*; Panenko, I., *La Galicie, Pays polonais*; Grappin, Henri, *Considerations sur les frontières occidentales de la Russie et la paix en Europe; Pologne et Lithuanie; Polonais et Ruthènes: la question de Galicie; Polonais et Tchèques*; and *La terreur ruthène en Galicie*; Lutoslawski, Wincenty, *Lithuania and White Ruthenia*; and *Poland's Territorial Problems*, an anonymous pamphlet.

More impartial and unbiassed opinions on the territorial settlement may be found in Seymour and House, *What Really Happened at Paris*, Chapter IV, "Poland," by R. H. Lord; Haskins and Lord, *Some Problems of the Peace Conference*: "Poland," pp. 153-200; and Temperley, H. W. V., *A History of the Peace Conference of Paris*, Vol. VI, Chapter II, "The Resurrection of Poland," pp. 218-283.

by plebiscite.² Considered from a standpoint of ethnography, the boundaries determined by the treaty would appear to have been eminently just. It is only in the Upper Silesian plebiscite area, which the final vote showed to be predominantly German, that the territorial settlement is to be questioned. Here, on the plea of the necessity of according to Poland an important mining area—an area which was in fact vital to existing German industries—a distinct injustice was done which, unless revised, is destined permanently to impair the prospects of general European security.

To secure free access to the sea, Poland was given a corridor to the Baltic, and assured a port in the free city of Danzig. The city was excised from the German body politic, placed under the administration of the League of Nations, and divested of control of its foreign relations, which were confided to Poland for safe keeping.³

By the settlement laid down in the Treaty of Saint Germain

² The East Prussian plebiscite was held on July 11, 1920, and resulted in an overwhelming decision of the population to remain with Germany. The vote was 353,655 for Germany and 7,408 for Poland. According to Polish statements, the mass of the Polish population abstained from voting as a sign of protest against an unfair plebiscite. (Cf. *Bulletin Periodique de la Presse Polonaise*, No. 90, p. 1, August 10, 1920.) As the plebiscite, under the terms of the treaty, was final, the political sagacity of a general abstention would appear questionable. Certainly, if the allegation is true, it was suicidal for Polish claims.

The Upper Silesian plebiscite was held on March 20, 1921. Had it been regarded as final, in all probability the entire area in question would have gone to Germany. The German vote was very heavy in industrial areas and towns; the Polish vote, being largely in agricultural areas, procured for Poland a large number of rural communes with relatively few votes. Because the plebiscite did not accord with allied policy, the matter was ultimately referred to the League of Nations which, on October 10, 1921, rendered a final decision partitioning the industrial area between Germany and Poland in a way which has met with general criticism.

³ The Danzig experiment, however interesting from a standpoint of international administration, has resulted in continuous friction between the free city and Poland. This has been partly due to the rôle played by the League's high commissioner, but more to the diversity of temperament and ill-concealed hatred between the Germans and Poles. It would appear that the reincorporation of Danzig with East Prussia, leaving its foreign affairs in German control, would not seriously impair Poland's commercial interests. This does not imply a criticism of the Polish corridor, which is believed to be entirely justified from an ethnographic standpoint.

and the agreements between the Supreme Council and the Polish and Czech governments, the former boundary of Galicia and Hungary was accepted as the southern boundary of Poland and the northern boundary of Czechoslovakia, with the exception of the Teschen, Orawa and Zips regions in which a plebiscite was to decide matters. After protracted negotiations between the Polish and Czechoslovak governments, it was finally decided not to hold the plebiscite but to delimit conventionally the region in dispute. This agreement brought the question before the Conference of Ambassadors, which rendered a decision on August 10, 1920, at the height of the Russo-Polish war, and gave the principal part of the region to Czechoslovakia, requiring her to furnish Poland coal in return for oil. Subsequent negotiations led, in 1923, to a minor rectification more acceptable to both governments.

The last phase of the territorial settlement reached at Paris dealt with Eastern Galicia. This region, ethnographically Ruthenian or Ukrainian and claimed as the principal territory of the Western Ukrainian Republic by the delegation from the Ukraine at the peace conference, was first intrusted to Poland for a period of twenty-five years under a resolution of November 21, 1919, but later, in December, 1919, the Supreme Council shelved its original proposal and, under French influences, decided to intrust Galicia entirely to Polish administration. This did not, of course, settle the fate of the Ukraine, nor make friendly relations between the Ukraine and Poland possible, but it marked the last endeavor of the peace conference to settle definitively the frontiers of the new Polish state. Thereafter it was left to Poland to reach what agreements she could with her Ukrainian, Russian and Lithuanian neighbors. This unsettled condition of the eastern frontiers was destined, in the course of the first two years of the republic's existence, materially to endanger its political future and sadly to cripple its economic activities and internal reconstruction.

Taken as a whole, the solutions reached for the frontiers of Poland are, in general, compromises. The Silesian settlement was made in the interests of strengthening Poland's economic independence and economically crippling Germany. Insofar as

it served the first purpose, it was creditable, but insofar as it formed a part of a scheme of economic *revanche*, it created a situation which Germany has not accepted as permanent and which is likely to lead to a reopening of the decision by her at the earliest possible opportunity.⁴ The Danzig settlement was a compromise between outright annexation to Poland of a German city and its retention in the hands of Germany. It does not appear that its present status was at all necessary to give Poland free access to the sea, but rather that it was part of a scheme of sanctions intended to preclude German military action from both sides of the Polish corridor.

Of all the settlements reached at Paris, that relative to Eastern Galicia is probably the most iniquitous. The pleas openly made to the peace conference by the Polish economic delegation assured the allies ample interests in the Galician oil fields on condition that they be put under Polish sovereignty. In the face of these allurements, the peace conference capitulated. While it is true that the British and American delegations held out for the principle of a mandate to Poland for a twenty-five-year term, the French delegation ultimately drew the Supreme Council around to the Polish view. Under Polish rule, there need be no quarrel over oil fields, as in Mosul. Self-determination, the claims of the Western Ukrainian Republic, the military sacrifices of Petlura, the land reforms of the Rada and the other agencies in the Ukraine could be overlooked. In the interest of security for investments, a régime of Polish landlordism was reinstated over the Ruthene peasantry who had caught a glimpse of the economic consequences of political liberation and independence. All in all, Poland's western frontiers were destined to be ethnographic, her eastern ones primarily historic.

Despite these territorial settlements, Polish opinion was hardly satisfied. Both Paderewski and Dmowski were forced to admit, reluctantly, that their territorial claims had not been fully vindicated. However, it was the Minority Guarantees Treaty,

⁴Since the signature of the Polish-German arbitration treaty on December 1, 1925, as a part of the Locarno settlement, it would appear likely that any move for revision of Poland's western frontiers will assume a legal or juridical form, in conformity with the spirit of the treaty.

signed by Poland and the allies concurrently with the Treaty of Versailles, that was galling. The allied governments, insistent upon assuring proper protection to racial, religious and linguistic minorities, compelled the Polish government to give guarantees which were not exacted of even the German government. In the light of the traditions of Polish tolerance towards religious minorities in the Golden Age of the Most Serene Republic, the guarantees demanded seemed unduly irritating, but the wisdom of the allies in demanding protection of this character, on a parity with the fundamental law, has been amply justified. Whereas formerly no protest against the ill-treatment of minorities could be uttered by foreign powers on the ground that this would amount to intervention in the internal affairs of a state, the Powers now obtained—and have since found it necessary to use—a leverage by treaty whereby to bring discriminatory practices before the League of Nations as an arbitral and conciliatory body.

The territorial concessions made to Poland were based on two main points in the collective diplomacy of the allies: of these the first was the design to make Poland the cornerstone of the rampart built at Paris against Bolshevism. A strong Poland, equipped with the residue of allied munitions and unliquidated stocks, would serve as the chief buttress of militant defense against the importation of communist doctrine from Moscow. Hence the allies amply supplied Poland in this fashion, and Poland, militant and triumphant, went forth on the eastern frontiers of Europe to roll back the Red armies and “liberate” Eastern Galicia, White Russia and Lithuania from the Bolshevik menace. Insofar as Poland’s eviction of the Red armies from her ethnographic confines permitted the supplying of food and relief to the civilian populations who had been the innocent victims of the war, her military action was doubtless justifiable, but when she passed her ethnic boundaries and began to encroach upon lands definitely alien, whatever original justification she had disappeared. Thenceforth Poland followed a policy of adventure which, as will presently be noted, ended only when the Red armies, in the summer of 1920, pushed westward madly and drove back the Poles to the very gates of Warsaw,

only to be hurled back in rout and confusion to the dreary regions of the Pripet marshes. The rôle of Poland in 1919 and 1920 was a most sorry one, and one which exhibits a painful example of a nation losing, increasingly, all contact with political reality. It took the bitter lesson of temporary defeat to awaken in the nation a sense of sobriety which was unfortunately lost by the sudden and decisive turn of military events in her favor, through little merit of her own.

The second point in allied policy which Poland satisfied was the design, primarily of France, to make a strong Poland a counterweight in the new balance of power in Europe, and a check against a possible resurgence of Germany. Insofar as a well-organized, democratic state, with ethnographically justifiable frontiers, could serve as an example of democratic self-sufficiency and stability, as a check on German monarchical restoration, as an encouragement to the liberal elements in Germany, a well-rounded Polish state, bringing together all the genuinely Polish territories, would have fulfilled this purpose. But a Poland made large at the expense of her neighbors, endangering the security of Europe by causing resentment on every side, was destined to fail to fulfil allied expectations. Particularly a Poland grown strong at the economic expense of Germany could hardly secure the peace of the world or of Eastern Europe. In this respect also, Poland's rôle, as the economic recipient of Germany's rich mineral resources and Galicia's oil and as the military ally of a vindictive France, could scarcely stabilize European conditions or be expected to engender peace. Poland, whether always wittingly or not, was destined by the combination of circumstances to play the unhappy part of chief executor of the most ill-starred plans of the allies. Her territorial confines and the hatred of her neighbors have been her principal reward.

POLAND, GERMANY AND RUSSIA, 1918-1920

With Russia, Poland's relations were destined, by virtue of the World War and the Russian revolution, to undergo a peculiar evolution. The pronouncement of the provisional

government after the revolution had accorded to Poland full autonomy within the confines of the Russian Empire. It was left to the liquidation commission under Lednicki to define these relations. The advent of the Bolsheviks to power made the plans of the liquidation commission superfluous, whereupon Lednicki and his followers, believing that the Poland created by Germany and Austria would serve as the nucleus of a greater Poland, went over to the Regency Council and the Council of State bag and baggage. The Peace of Brest-Litovsk, as has already been noted, met with the protest of all groups, and was heralded as a fourth partition, in which, be it noted, Russia was not one of the partitioning powers, though part of Polish Chelm fell from the Austro-German banquet table at Brest as a crumb to the Ukraine. But the defeat of the German armies and the armistice abrogated the Peace of Brest-Litovsk, even though the allied governments were not in a position to deal with Russia at the time. This did not, however, renew the state of war between Germany and Russia or between Germany and the Ukraine, but left each on a peace status and in the enjoyment of all the territories under its control. Legally, therefore, and by every canon of international practice, Poland was left by the armistice at peace with all the signatories of the Brest-Litovsk treaties.

Such was the conclusion reached by the German government immediately after the German revolution, and Count Kessler was sent as its ambassador to Warsaw. Establishing relations with an administration that had just fallen into the hands of a socialist government, the first German envoy was well received by Moraczewski, and formal diplomatic contacts were resumed. The Russian soviet government, interpreting similarly its legal position under the Brest-Litovsk treaties, sent to Warsaw as its first envoy Dr. Julian Baltazar Marschlewski. Marschlewski, in the days before the World War, had been an outstanding leader in the Polish labor movement, and it was hoped that this choice would "be understood by the masses of the people of Poland as a proof that Soviet Russia nourishes no hostile design in regard to the national liberty of the country and thus as the proof that the soviet government is at one with them in their

aspiration for social enfranchisement." Clearly this was a bid for favor with the Moraczewski government and an endeavor to outstrip the allies in making diplomatic contacts in the Polish capital. Like Count Kessler, Marschlewski was very well received by Moraczewski, and the bases for formal relations between Poland and Russia were laid down. Such a situation was safe so long as a purely socialist régime was in power, but were it to be overthrown, or were another coalition of parties to succeed it legitimately, a readjustment of relationships towards both Russia and Germany seemed likely to ensue.

The change was not long in coming, but it was not due to the overthrow of Moraczewski. It was left to the Polish National Committee in Paris, which was chiefly desirous of procuring a unity of military command, to intimate to the government at Warsaw the allies' reactions to this course in regard to Russia and Germany. The Polish National Committee sent Professor Stanislas Grabski from Paris on mission to Warsaw, and forthwith, on December 9, 1918, Poland broke diplomatic relations with Russia and so laid hold of pretexts as to the action of the German high command in the *Ober-Ost*—where, it will be recalled, they remained by the allies' own consent—as to force a break with Germany on December 15, 1918. Thus, within the space of a week, Poland deliberately and by her own action created two powerful enemies. At the time when Czechoslovakia and Yugoslavia were seeking informal contacts and the creation of at least a *modus vivendi* with the Central Powers, Poland chose an alternative course and provoked military actions on her principal frontiers. On the one side, Germany, in order to protect her eastern territories, formed, under Noske, her frontier guard and persecuted Poles in her confines;⁵ Russia, on the other side, was left to blunder into war or rather to find encroachment on her frontiers an added cause for hostilities toward Poland. With Polish and Ukrainian troops at each other's throats at Lemberg (Lwow), it was hardly possible for Russia to avoid a military action.

Of the military adventures of Poland during the next two

⁵ Germany, of course, eventually terminated her war with Poland by the Treaty of Versailles.

years little need be said. Within six weeks after the armistice with Germany, a long thin line of troops was stretched from the Latvian frontier to Lwow, to be reinforced as the Polish legions in France, and Polish-American recruits and other mobilized contingents from all parts of the re-unified country were added to the Polish army. As soon as Paderewski had assumed power it became his mission, in pursuit of the allied policy of the *cordon sanitaire*, to summon the Polish armies to attack the Red armies, despite reiterated peace offers from Chicherin. Steadily, throughout 1919, the Polish armies moved eastward, meanwhile combatting the Ukrainians, till they formed a military junction with Denikin in September. Then, as a resurgent Russia beat off her attackers on east, north and south, and Koltchak, Judenitch and Denikin were bested, it was left to Pilsudski and Haller to form a compact with Petlura and the remnant of the armies of the Ukrainian Republic with a view to creating a single political unit to reach from the Baltic to the Black Sea. Thus the move which had originated with the occupation of the shores of the Baltic and the dipping into its waters of the silver eagles of resurrected Poland, grew into a far-reaching and ambitious scheme for the liberation of the Ukraine and brought the joint armies to Kiev and Odessa.

It was the majestic conception of imperialistic minds, and brought little of liberation to the invaded regions. When Kiev, the very heart of historic Russia, had fallen to the Poles, the Red armies struck back, with the disastrous results that have already been described. Time and again the Russian commissaries had offered terms and, equally insistently, on some pretext or another, the Poles had rejected the offers. It was only when the double menace of typhus and Bolshevism loomed close to the national capital that Poland besought the British government to intercede in her behalf at Moscow. An armistice parley was summoned at Minsk; meanwhile the counter-offensive of General Weygand, the French military adviser to the Polish general staff, achieved a victory of startling proportions. Thereafter the Poles stalled in armistice demands while the Red armies were once more pushed back across the Beresina. Finally, the negotiations which had been broken at Minsk were resumed at

Riga, on September 21, 1920, under the good offices of Meierovics, the Latvian minister of foreign affairs. By this time Poland had reached a point of exhaustion and the soviet armies had been driven beyond the confines of historic Poland.

It was high time for peace and armistice, and both sides were willing to make this acknowledgment. According to Joffe, the principal soviet plenipotentiary, Russia's chief aim was "a democratic peace, accessible to each nation, without victors or vanquished." The further implications of a democratic settlement were free acknowledgment of the principle of self-determination, mutual recognition, and a plebiscite in regard to Eastern Galicia, Russia making this a point in her program out of deference to her co-negotiator, the Ukrainian Soviet Republic. On the Polish side mutual recognition and abstention of each from intervention in the internal affairs of the other, coupled with mutual guarantees against aggression, were laid down as the basis of a peace program. In view of the actual military situation, which gave to Poland territories not possessed even at the time of the first partition, Poland was willing to cease to base her claims on historic right, and to guarantee the free development of language and religion of national minorities, as well as to grant liberal option to the inhabitants of all ceded regions in matters of nationality. Finally, Poland proposed mutual renunciation of war indemnity, reciprocal amnesties, prompt exchange of prisoners and interned persons and immediate undertaking of economic negotiations.

This was the gist of the Polish peace program. On one point, that relating to Eastern Galicia, she was adamant, and would not admit its discussion. Russia, in return, demanded the recognition without reservation of the independence of Lithuania, White Russia and the Ukraine. After three weeks of negotiation, both an armistice and a preliminary peace were signed at Riga on October 12, 1920.⁶ Thus Poland's war with Russia, undertaken with far less provocation than the Estonian, Latvian, Lithuanian or Finnish struggles for independence, came to an end.

⁶ *League of Nations Treaty Series, IV, 5.*

THE PEACE OF RIGA

In the subsequent negotiations for a permanent peace, three marked stages were discernible. The plenipotentiaries gathered in Riga on the eve of momentous changes in Russian internal affairs, involving an abandonment of a policy of war on all fronts and the inauguration of the new economic policy at home. The issue was undecided, and while the events hung in the balance in the deliberations of the All-Russian Congress of Soviets at Moscow, Joffe and his colleagues were only too prone to protract the negotiations with Poland. When this stage had passed and the issues in Russia were decided in favor of a cessation of the war, it became the policy of the soviet negotiators to employ Fabian tactics in the hope of wearying the Polish envoys into important concessions. Last of all, with the defeat of Wrangel, there followed a period of feverish negotiation, with an earnest desire to conclude peace so that the soviet government might enter into bargainings, if possible, with France. These were the objectives at the different periods of the negotiations, which finally resulted in the Peace of Riga of March 18, 1921.⁷

By the Peace of Riga Poland was brought to recognize the independence of the Ukraine and White Russia and to abandon all rights and claims to the territory east of the frontier agreed upon, while Russia and the Ukraine abandoned all rights and claims to the territories west thereof. Furthermore, the contracting parties undertook mutually to respect each other's sovereignty, to abstain from interference in each other's internal affairs and particularly to refrain from agitation and propaganda. Likewise, mutual guarantees were given in regard to the existence of military parties intended to prey upon one another's territory. All insurrection-breeding forces were prohibited.

By Article 7 of the treaty both parties mutually agreed that persons of the nationality of one contracting party in the territory of the other should "in conformity with the principles of the equality of peoples, enjoy full guarantees of free intel-

⁷ *League of Nations Treaty Series*, IV, 141 ff.

lectual development, the use of their national language and the exercise of their religion." Here, in a single sentence, were proclaimed the principles of the minority guarantees treaty from which Poland had so violently recoiled at Versailles; the difference was that here the guarantees were mutual, whereas at Versailles they were unilateral. It is extremely doubtful, however, whether these guarantees have been observed to the full on either side, not only on account of the reluctance of Poland to accede to the claims of minor nationalities, but also on account of the general suppression of dissenting opinion and the persecution of religious organizations in Russia.

In view of the utter bankruptcy of both sides, it was a counsel of expediency as well as of principle mutually to abandon all claims for the repayment of war expenses and indemnities—a solution far different from that adopted at the Paris conference, and one destined more quickly to restore economic equilibrium and stability in the war areas. The contracting parties did not, however, stop with wiping out the mutual economic claims of the past; they completed their "moral self-renunciation" by providing for full amnesty for political crimes and offenses committed by the subjects of the other (including in this category all acts directed against the system of government and the security of the state) and stipulating that all prosecutions not completed should be dropped. The peace was not to be a peace of vengeance but one of reconciliation.

We need not rehearse here the detailed economic and technical stipulations of the treaty. Provision was made for the restitution of various kinds of property, cash payment to Poland of thirty million gold rubles, mutual settlement of accounts, releasing of Poland from all responsibility in regard to the debts and obligations of the former Russian Empire, with the exception of those relating to institutions and undertakings in Polish territory. In the end the prescription to which the allied governments had asked Poland's consent at Versailles, namely, assumption of her share of the debts of the Russian Empire, was ratified by this final act of liquidation between Poland and Russia. Finally, admitting the most-favored-nation clause as the basis of commercial treatment, a simple *modus*

vivendi was entered into, pending a final economic convention.

No great significance can be attached to the length or complexity of the Treaty of Riga. Its content is much the same as that of the other peace treaties drafted at Moscow, Riga and Tartu with Lithuania, Latvia and Esthonia. Except for the wider economic interests involved and the consequent greater intricacy of the clauses liquidating them, the peace settlements with all the border states except Finland are of a single pattern, deviating from the norm only to suit the exigencies of the individual negotiator with whom Russia had to deal. If Esthonia's treaty is shorter, and was the prototype for the rest, this does not necessarily indicate that the soviet government dealt more harshly with the rest of the states. Esthonia and Latvia had been guilty of little imperialism, Lithuania of none, but Poland was a gross offender. Whatever may have been the vagaries of communist doctrine in other spheres, in the peace settlements affecting so vitally Russia's relations with the countries linking her most closely to Europe the soviet government exhibited a tolerance, a capacity for accommodation, a sense of the permanent political realities, which is unique in the history of post-war Europe. If a comparison be made of the economic clauses of the western settlement dictated at Paris with those of the eastern settlement negotiated by Russia there can be no question to whose side the balance of economic sanity will fall. By a paradox almost unequalled in history, the gigantic settlement negotiated between Russia and her democratic neighbors demonstrated that the world's most radical government had greater economic prescience than the statesmen who constructed the imposing, but largely unworkable, economic settlements of Versailles, Saint Germain, Neuilly and Trianon.

INTERNAL RECONSTRUCTION

One of the fundamental problems confronting the Paderewski ministry was the creation of a genuinely democratic representative body that should mirror the will of the nation. Despite all the promises of the Central Powers to summon a diet, despite the vague pronouncements of the activist ministries and the

Council of State, despite the demagoguery of Moraczewski, nothing had been done to create a constituent authority. Hence the elections of January 26, 1919, were significant in that they permitted for the first time a glimpse into the mind of the nation.

Voters from Posen did not take part, for the German government would not permit elections in the regions still constitutionally under its control. But in Austrian and Russian Poland, save in the frontier districts in dispute or in the zone of hostilities, political parties, too numerous and artificial to mention, sprang up and participated. The election was primarily a choice between the policies of Paderewski and his coalition cabinet of national talent—policies of friendship to the allies, hostility to Russia and Germany and vigorous national action—and those of Moraczewski, Daszynski and Pilsudski—policies of rapprochement with Poland's neighbors and radical social and agrarian reform. The advantages were all on the side of the national coalition, and it captured 200 seats, or some two-thirds of the diet, the remainder of 80 seats going to the socialist and Jewish parties. While the Paderewski cabinet was in a sense non-partizan, the initial proportions of supporters and opponents in the diet were approximately those given above. It required actual experience in the diet's working to reveal the true elements of strength and weakness and the party groups which would rally to the cabinet's support.

As soon as the diet convened, Pilsudski handed over his powers to it, signifying his compliance with the national will. The diet, by the so-called "lesser constitution" of February 20, 1919, promptly acknowledged his outstanding position as chief of state and requested him to retain his authority, thus legalizing the dictatorship by investing Pilsudski with a constitutional mandate. Paderewski, as premier, followed suit and in a talented portrayal of the situation of the country placed himself at the mercy of the diet, which promptly confirmed him in power. These formalities having been accomplished, it became possible to proceed forthwith to the reorganization of the national life.

The programs advanced toward this end in the diet varied

with the complexion of the political groups there represented. Broadly speaking, three principal programs were put forth, that of the moderate conservatives, the program of the agrarians (Populists) and that of the more extreme socialists, not untinged with communist doctrines. The first favored closer bonds between Poland and the allies, the creation of a strong army to combat Bolshevism, the concession of freedom of development to the national minorities in the eastern provinces, a broad policy toward labor and agrarian reform. This program, it will be seen, was not devoid of liberal principles, but was one conditioned upon draconian law and order. The agrarian program of the various Populist groups laid less emphasis on militant opposition to Bolshevism, and stressed the need of free education—particularly technical agricultural training—respect for religion, a broad tolerance and social and administrative reforms, in addition to its foremost policy of drastic agrarian reform. In the realization of the land partitioning scheme it saw the greatest safeguard to the nation against Bolshevism, and therefore championed the process of disarming Bolshevism at home rather than crushing it by force of arms in the field. The program of the Left parties, as might be expected, looked to social reforms and the improvement of the lot of the proletariat rather than to administrative or constitutional reconstruction as the principal factors in Poland's political salvation.

It was plain that under these circumstances constitutional projects would be relegated to a distinctly secondary place in the deliberations of the diet. The prime object of interest was the agrarian reform bill sponsored by Jan Domb ski, head of the diet's agricultural commission, which occupied the attention of the diet intermittently between April and July of 1919. The basis of the Domb ski project, representing the conclusions of the commission, was the creation of peasant holdings fitted for intensive cultivation. To accomplish the requisite reforms in different parts of Poland, it was proposed to create new holdings by colonization and to increase the size of small holdings already in existence in order to make them economically self-supporting. Special types of land grants were proposed for the marshlands and for the industrial areas. Only those

thoroughly competent to pursue intensive agriculture were to be admitted to such holdings. The state was to distribute land from a land reserve made up, as in the other border states, of domain lands, lands belonging to members of the ancient Polish dynasties or their heirs, properties of the Peasant Bank of Russia and of the Prussian colonizing commission. To these were to be added church lands, lands acquired during war-time for speculation, and, last of all, lands to be expropriated by the state from their owners. The Dombiski project set the limit on the size of estates at 100 to 200 acres, though stipulating 60 acres as a maximum for urban and suburban allotments.

When the project came to a vote in the diet it was rejected by a narrow margin, the National Workers' Union, the most dominant party in the diet, fearing that it contained the possibilities of land nationalization—the cherished desire of the socialists. It thereupon suggested an alternative proposal whereby the state was to control all transactions in land and have the right of preemption. The state was also to create a special land office to assist in repartition and colonization of lands, and was to create a landed reserve out of church lands and feudal domains, without having the explicit right of general expropriation.

It soon became evident in the diet debates that there was an inherent opposition between the views of the diet and those of the cabinet. The cabinet stressed the difficulties in the way of the administration of the reform and pretended that the country did not possess the requisite administrative machinery to undertake so ambitious a project, particularly if the forest lands were to be nationalized. On the other hand, Dombiski and the agricultural commission urged the importance of the move for the future of the country, stating that radical reform was indispensable to combat the growth of communism and to retain the loyalty of the inhabitants of the plebiscite regions. In submitting a revised version of the project to the diet, Dombiski admitted that over-distribution was as disadvantageous as over-concentration. He pointed out, however, that the measure set a higher limit to the amounts of land to be owned, that it

purposed to nationalize forests, liquidate feudal entail and servitudes and create a central distributing agency.

The clerical elements in the diet now made clear their position. They would not impede the progress of agrarian reform; if others were to sacrifice their lands for the good of the country, the church, provided it obtained the consent of the Holy See, would not lag behind in this constructive reform, though they held that the law should show some consideration for church properties. Throughout the heated debates that took place, this attitude remained consistent, despite the endeavor of the more extremist deputies to strike at the church through far-fetched proposals of wholesale nationalization without indemnity. In the end, heeding the counsels of the conservative elements to proceed in the general interest and not that of a class, the diet, after working to harmonize the views of the cabinet and the Dombiski draft, passed the reform bill on July 10, 1919, with a distinctly higher limit of individual land ownership than had been originally contemplated. In its final form the bill had been purged of its more radical features and resembled more nearly the legislation in Czechoslovakia and Yugoslavia than that of the Baltic democracies.

But the bill, once passed, was destined to lie untouched, due to the exigencies of war, until the Grabski ministry came into power and a second gesture was made. At the height of the Russo-Polish war, Grabski began to realize the allurements which triumphant Bolshevism might have for a landless peasantry, and, on July 15, 1920, the ministry hurriedly pushed through a law for the forced purchase of land and the expropriation of estates with a view to the distribution of small plots among the soldiery—a law destined by the rapid reversal of military fortunes never to be executed. As soon as the immediate danger was past, the conservatism that had prevented action on the earlier laws of 1919 returned, and the land question once more lay idle. Not until 1924 did the agitation on land reform once more assume vitality, this time because of the widely prevalent unrest in Poland's eastern confines, among a peasantry of non-Polish nationality who had experienced the benefits and sufferings under soviet land tenure between the advent of the Bolshe-

viks to power and the Peace of Riga. It was only late in 1925 that Poland finally enacted a law on agrarian reform which the government seemed likely to enforce.⁸

In the period from the formation of the Paderewski cabinet at the beginning of 1919 to the signing of the Peace of Riga in March, 1921, the constituent diet undertook work of an extremely varied character, necessitated by the imperious needs of the country rather than by the dictates of party policy. One of the prime conditions entering into the formation of the Paderewski cabinet was that the cabinet should have no dogmatic program, but should endeavor to collaborate with the diet and jointly solve the more important of the outstanding questions. During the extended absence of the prime minister at the Paris conference the diet was engaged with the problems of unemployment and public works, food supply, budget, railroads, sanitation, state police, salaries of public servants and the like. While events were impending in both military and diplomatic policy, it was the function of a body of expert technicians, not that of parliamentary tacticians, which was exercised by the cabinet. As a consequence party lines were confusedly drawn and the enthusiastic majority of the diet slowly disintegrated, falling more and more under the spell of the Populist leaders, until it became necessary to recast the cabinet in August, 1919, to keep pace with this political evolution. All the while public opinion was dissatisfied with the policy of drift. By October its uncertain currents flowed into new channels, and presently there crystallized in the diet new groupings of national parties which, for the most part, ceased to have the political complexion of the former kingdom or of Galicia. Ten months of constant association in a somewhat tumultuous constituent body had served to bring into being several new and distinct groups, in addition to the National Workers' Union and the Polish Socialist Party already in existence. These now assumed a permanent organization.

The first of the groups to appear was the Party of Constitutional Action, which grouped together certain conservative and democratic elements on the Right, these having been disorgan-

⁸ Cf. pp. 512-515, *infra*.

ized since the armistice due to their former "activist" and "passivist" associations. Immediately thereafter the Unified Polish Populist Party was formed under the presidency of Vincent Witos, bringing together the Populists of Galicia, the Radical Populists of the former kingdom, led by Stanislas Thugutt, and the more moderate Populists from both the kingdom and Galicia. This grouping created a distinctly democratic and agrarian combination not easily amenable to either conservative or socialist influences. In the main, it was this middle group which left its stamp not only on the important agrarian and social legislation of the period but on certain parts of the constitution, although that instrument, as will be seen, was primarily the embodiment of conservative ideals. The crystallization of such groups operated to isolate the socialists. There were left between the Party of Constitutional Action and the Populists a number of distinctly nationalist groups with additional economic or clerical affiliations, such as the Club of Christian National Workers, the National People's Union and a Bourgeois Club into which various nondescript, or independent, elements entered. All told, the diet had a solid socialist Left, a coherent agrarian Center, and a highly subdivided conservative Right.

This party reorganization, although expressive of the formation of a national consensus on democracy, republicanism and the other fundamentals of national government, revealed a distinct partizan clash of opinion on matters of domestic and foreign policy and paved the way for the downfall of a non-partizan ministry. Thus, when the Powers first thought of giving Galicia to Poland under a twenty-five-year mandate, rather than outright, this diplomatic reversal of the fond hopes of both Paderewski and Dmowski brought about Paderewski's resignation on November 27, 1919.

Public opinion was constantly becoming both conservative and clamorous in its demands. The country had entered upon a headstrong policy regarding the treatment of Russia, so there was little wonder that the next cabinet, formed by Leopold Skulski, represented a conservative reaction and a vigorous national program. The policy of vigorous action against Russia

received the plaudits of the diet so long as it was successful. But with the loss of Kiev and the defeat of the Polish armies all along the eastern battle line, Skulski and the policy of annexation of vast regions on the eastern frontier were brusquely discarded and Ladislas Grabski, a conservative nationalist, formed a non-partizan cabinet on June 24, 1920, bringing into power a ministry of experts almost simultaneously with those created in Germany and the other states of Central Europe.⁹ Party programs were useless in the face of impending military disaster, and Grabski made no effort to form a parliamentary majority. However, it soon became evident that his combination of technicians did not dare undertake the requisite reforms of a radical character which the public now demanded, so Grabski gave way, a month after assuming office, to a cabinet of Left parties under Witos, which included the visionary Daszynski as a consolation to the socialists. It was this radical cabinet, many of whose members had continually opposed the insensate war with Russia, which finally sought an armistice and negotiated the Peace of Riga, which we have already considered.

⁹ Cf. *New Governments of Central Europe*, pp. 99, 186, 253, 319, 398.

CHAPTER XV

THE POLISH CONSTITUTION

CONSTITUTION-DRAFTING, 1919-1921: *The Wojciechowski Draft—The Problem of a Senate—The Nature of the Presidential Office.* INTRODUCTORY PROVISIONS: *Preamble—Fundamental Principles.* THE LEGISLATIVE SYSTEM: *Legislative Power—The Sejm: Election, Procedure and Powers—The Senate.* EXECUTIVE POWER: *The Presidency: Elections and Vacancies—Presidential Powers and Responsibilities.* THE MINISTERIAL SYSTEM: *Kinds of Ministerial Responsibility.* LOCAL GOVERNMENT: *General Administration—Law of September 26, 1922—Local Arrangements in Eastern Galicia.* THE POLISH JUDICIARY: *Judicial Organization and Powers—The Higher Courts.* THE BILL OF DUTIES AND RIGHTS: *Citizenship—General Duties and Rights—Religious and National Minority Rights—Education—Property Rights—Rights of Labor—Economic Self-government—Legal Guarantees—Amendment and Revision.* GENERAL CHARACTERISTICS OF THE CONSTITUTION: *Its Conservatism—Its Qualified Democracy—Its Realism.*

CONSTITUTION-DRAFTING, 1919-1921

As soon as armistice negotiations had begun and peace with Russia was in the offing, Poland could turn her attention to internal questions. Her frontiers were defined now; she had acquired Posen, West Prussia and access to the sea; the Teschen difficulty had been liquidated; Eastern Galicia and the eastern confines were hers by the grace of their oil fields and General Weygand. At last she could prepare in earnest for a constitution.

Constitutional projects had not been lacking in 1919. On the third of May, memorable in relation to the Polish constitution of 1791, Wojciechowski, the minister of the interior, had prepared a rough constitutional draft, more archaic than practicable, attempting to adapt therein the principles of the constitution of 1791 to the conditions surrounding the new republic. This attempt to link "the spirit of the Jagellonian epoch" to the "modern conceptions in regard to national independence and democracy" drew the fire of the diet, which alleged that the

proposed instrument totally lacked conformity to the spirit of modern social ideas, was utterly fragmentary, and gave the chief of state far too great authority. The well-intentioned efforts at constitutional romanticism were sent back to the diet's constitutional commission, thoroughly revamped, and resubmitted to the diet on November 4, 1919. The proposal to create an upper legislative body of "Keepers of the Laws," who should have a suspensive veto on legislation, aroused public opinion and precipitated a lengthy discussion of the respective merits of the unicameral and bicameral systems, and also consideration of the powers of the chief of state.

With the advent of the Skulski ministry the fanciful "Keepers of the Laws" were rejected for a genuine upper house, or senate, patterned roughly after the French model and designed to share with the diet the power of electing the chief of state. During the succeeding months, before the crisis of the Russo-Polish war, the constitutional commission discussed the project thoroughly,¹ but no extensive discussion took place in either the diet or the press until the issues of the war were settled. Then, in a few fervid weeks of discussion, the final constitution was framed and passed.

In these final discussions were debated the important themes of the nature of the legislative system and the exercise of executive power. It was argued in regard to a senate that twenty months of experience with a unicameral chamber had

¹ Antoine Peretiatkiewicz, in his study of the Polish constitution, declares that the constitutional commission "did not, initially, take up as a basis of discussion any of the drafts already elaborated, not even the draft drawn up at the instance of the government by a group of specialists in constitutional law, which the government transmitted unofficially to the diet. The constitutional commission decided to draw up the constitution itself and to that end divided its draft into several distinct reports. The "Constitutional Declaration" which the government laid before the bureau of the diet in May, 1919, had no influence on the work of the commission. . . . It was the government project laid before the bureau of the diet in November, 1919, and modified thereafter following the change of cabinet in January, 1920, that became the formal basis of the commission's discussions. After having harmonized this draft with its own previously adopted resolutions, the commission, . . . in June, 1920, submitted its draft of a constitutional law for the diet's approval." *La Constitution Polonaise*, p. 7.

shown it to be incapable of preventing executive absolutism, and that only under a bicameral system could parliamentary control be effective. On the other hand, opponents of a senate urged that it would be ultra-conservative, clerical, representative of the landed classes, and that thus it would frustrate the aims of the Polish democracy. Clerical deputies urged its creation as being more democratic than the "parliament of labor" which the extremists of the Left wished to provide. After a decision to create an upper chamber as a senate had been reached, the struggle continued in regard to the manner in which the body should be constituted. Some wanted a largely appointive senate—which the socialists declared would mean domination by "the oligarchy of agrarian magnates, capitalists, speculators and clergy"—while others favored an entirely elective senate based on a very broad franchise. In the end, the elective principle triumphed, and the prospect of a reactionary upper chamber or one that could be swamped by executive appointment disappeared. A democratic bicameral system had thus become a reality.²

The second storm center in the constitutional discussions was the presidency. Little objection was found to vesting in the presidential office the usual prerogatives of a chief of state, but

² The utility of upper chambers would in general appear questionable in a democracy. Moreover, the contemporary practice of Hungary, Yugoslavia, Finland, Estonia, Latvia and Lithuania witnessed to the tendency towards single, responsible chambers in the constitution-making of the post-war period. On the other hand, the advocates of the bicameral system could point to the creation by the German, Austrian and Czechoslovak constituent assemblies of upper chambers of varying degrees of vitality. The final argument for the creation of an upper chamber was voiced in a sober statement of the bicameralists:

"We recognize this system, conformably to the experience of centuries, to be an essential guarantee of the authority of the diet and of a serious legislative activity. Practiced by the most ancient as well as the most modern democracies, it can be perfectly reconciled with liberty and equality. The Polish nation, given by her character to transports of sentiment and deprived of political culture in consequence of her long servitude, has need, more than this or that Western nation, of a senate which, by its more profound culture and civic experience, shall raise the level of legislative activity." In the face of this argument the creation of a senate was a foregone conclusion. Cf. *New Governments of Central Europe*, pp. 154, 168, 300, 312, 366.

the question of placing the command of the armed forces in the hands of the president raised an issue of an acute character. Whatever the speakers might say in the diet, it was Pilsudski of whom they were thinking. Where the chief of state was also the unrivalled military leader of the nation the temptation of his adherents to place constitutionally the final military command in his hands was strong. Those who remembered Pilsudski as head of the state, leading his troops in person to the Baltic, into Vilna, to the eastern front and into Kiev, were either violently in favor of the military hero and of vesting in him presidential and military powers, or bitterly opposed to such a duality of positions. In the end, despite the popular favor in which Pilsudski stood, the constitution provided for the nominal commandership in time of peace but a separation of the two offices in time of war. The final argument that produced this separation was that the chief of state would use a war-time command for political purposes, that an inefficient commander could be retired by a general staff, but that a chief of state would be virtually irremovable. Even in the event of his incompetence as commander, it would be well-nigh disastrous to remove both the commander-in-chief and the president in order to make way for a new military genius. In view of the other powers with which the chief executive was endowed, it could not well be argued that to divest him of his military command in war-time would reduce him to a figurehead. Hence the final decision was assented to by the majority of the nation, though not by Pilsudski.

Other controversies in the diet over the constitution related to the imposition of religious qualifications for the presidency, which were adopted on the second reading but omitted in the final document; to the relations of church and state, the Left parties favoring separation and the Right an organic union; and lastly, to the matter of expropriation and the amending of the constitution. These, however, were distinctly minor problems, as the pivotal questions centered around the legislature and executive. Once these were determined, the constitution was quickly adopted on March 17, 1921, and came into force on June 1 of the same year.

INTRODUCTORY PROVISIONS

It was to be expected that the Polish nation, on recovering its ancient liberties, would grave in unforgettable lines its gratitude to Almighty God for deliverance from bondage, and pay homage to the traditions of 1791. These historic expressions are found in the preamble. But quickly leaving the traditions of the past, the nation sets down the ideals for which the constitution is established—the wholeness, the unity, the independence, of the Polish republic, the basing of its power, safety and social order on the eternal principles of right and liberty. With these ideals is grouped an expression of the desire to ensure moral and material development of the nation “for the good of the whole of renascent humanity,” to secure equality, respect and due rights to all citizens of the republic, and to give the special protection of the state to labor. Here are embodied the ideas permeating the constituent diet, beginning with the invocations of her clerical parties and ending with a benediction upon the privileged position of the proletariat. The preamble of the constitution, then, is an epitome of the nation’s dominant feelings and an indication of the forces that shaped and wrought out, by painful bludgeoning and constant tempering, the fundamental law of the nation.

The Polish state is a republic, in which sovereignty belongs to the nation. After her historic subjugation to three empires, after her experiences with imperial rescripts and regency councils, there could be no doubt that Poland was destined to be a republic. The ancient traditions of a Most Serene Republic counselled it; it was in accord also with the spirit of the times.

For the exercise of this popular sovereignty the constitution establishes the Sejm and the Senate as the organs of legislation, the president of the republic as the wielder of executive power in conjunction with responsible ministers and, lastly, independent courts as the instruments for the administration of justice.³ Thus in crisp, terse form the institutional arrangements whereby the nation’s will is effected are set forth.

³ Section I, Articles 1, 2.

THE LEGISLATIVE SYSTEM

In amplification of the legislative competence, the second section of the constitution⁴ defines broadly the law-making power of the Sejm and the Senate, requiring passage by the Sejm in order to give validity to all statutes, and a specific statutory basis for all ordinances and decrees. The annual budget and the levying of annual conscript quotas, the contracting of a state loan, the alienation, exchange or pledging of immovable property of the state, the imposition of taxes and public dues, the determination of duties and monopolies, all require statutory enactment for their validity.

Stringently framed provisions are laid down in regard to the confirmation of state accounts and their audit and control. For this purpose a supreme board of control with judicial independence is created with a president of the rank of a minister but separately responsible to the Sejm. In this respect Poland would seem to have adopted the best principles of British and French administrative control over finances in order to keep financial administration as far as possible from partizan politics. Both the government and the Sejm are given legislative initiative, but all motions or bills involving expenditure from the state treasury must provide for raising the revenue wherewith to defray the cost involved. This is a provision borrowed directly from the Czechoslovak constitution,⁵ and is a commendable feature in a country inexperienced in self-government and likely to indulge in indiscriminate expenditures. Finally, provision is made for legislative devolution of authority by statute to self-governing bodies, particularly in the fields of administration, culture and economic activities.

The Sejm itself is composed of deputies elected for a five-year term by secret, direct, equal suffrage on the basis of proportional representation.⁶ All persons over 21 are enfranchised

⁴ Section II, Articles 3-38.

⁵ Cf. *New Governments of Central Europe*, p. 301.

⁶ By the electoral law of July 28, 1922, a system of proportional representation modelled on the D'Hondt system in force in Belgium and providing for *national* as well as *local* lists, was established for the Sejm and, with slight modifications, for the Senate. For Sejm elections Poland

except those not in possession of full civil rights or engaged actively in the defence forces. All persons over 25 are eligible for election. State officials, other than officials in the central departments of national administration, may not run for office in the districts wherein they reside. If elected, state and local government officials may obtain leave from their positions. For ministers, under-secretaries or professors service in the Sejm is accounted state service. If appointed to an office of profit or trust, a deputy loses his seat, though this does not apply to the ministers, under-secretaries or professors. The Sejm is made the judge of its own elections, but if its decision is protested, the supreme court passes on the validity of contested mandates. When duly elected, deputies possess the usual parliamentary immunities, but it is specified that they may not be either government contractors or editors. Apparently the Polish constitution makers, aware of the vitriolic character of the press, were unwilling to permit the deputies a double largess of freedom.

The president of the republic convokes, opens, adjourns and closes the Sejm and the Senate. He must summon both houses within three weeks after their election and at least once annually, in October, to vote the budget and provide for the army and other matters of current moment. Special sessions may be convoked at the discretion of the president or on demand of one-

was divided in 64 electoral districts electing from 4 to 10 deputies apiece. Warsaw forms a special district electing 14 deputies. The total number of deputies was fixed at 444; 372 being chosen on local, 72 on national, lists. Voters do not vote for the national lists directly, but each local list specifies to what national list, if any, it adheres. The 72 seats on national lists are awarded by adding up the number of deputies elected by each party on the district lists and awarding the remaining seats to the parties in proportion to the strength thus revealed. Parties not electing deputies in at least six districts are excluded from this computation, hence the arrangement inures to the benefit of the major parties, and is designed to facilitate the creation of parliamentary majorities. National list candidates are usually chosen from men of national prominence, who form a body of specialists much needed in the nation's legislative life, and who tend to raise appreciably the level of parliamentary intellect. They do not campaign or take any part in local politics, as their election does not depend in any sense on their own efforts but on those of the parties supporting them. This is distinctly a new feature in modern electoral laws, and has escaped criticism in Poland (Cf. Peretiatkiewicz, *op. cit.*, pp. 10-11).

third of the deputies. The Sejm cannot, without its own consent, be arbitrarily adjourned more than once during a session, or for more than thirty days, and may in no wise be adjourned in annual sessions until the budget has been voted. These provisions, while borrowed largely from the French constitutional laws,⁷ bear likewise a reminder of the Galician Poles' experience with the Reichsrat and their resolution never again to be subject to such executive domination as they had endured under Francis Joseph. The Sejm may dissolve itself by a two-thirds vote of an absolute majority of its membership or the president may dissolve it with the consent of three-fifths of the senate. In either case the senate is automatically dissolved.⁸ New elections take place within forty days.

Various articles⁹ provide for the complete internal autonomy of the Sejm. Sessions are public, unless on the motion of the marshal (the presiding officer), a minister, or thirty members, the Sejm votes to deliberate secretly. Reports of the proceedings are privileged. A third of the membership constitute

The rest of the electoral system thus established has, however, been the object of much criticism at the hands of the various political parties, primarily due to the belief that the Sejm and Senate are both too large and that the Sejm, as at present constituted, is far too unwieldy to admit of stable parliamentary majorities. Various party projects for the reform of the law were pending in the spring of 1926. Among these that of the Christian Nationalist Party (monarchist) sought to create a single district embracing the whole country, along much the same lines as the Fascist electoral law in Italy provides. The only one submitted to the Sejm in concrete form was the project of the National People's Union providing for the reduction of both houses to approximately one-half their present membership, the Sejm to have 224 members (188 chosen on district, 36 on national, lists) and the Senate 56 members (47 chosen on district, 9 on national, lists). Cf. *Gazette de Prague*, March 31, 1926, p. 3. It would appear not unlikely that a change in the law will take place previous to the next elections to both the Sejm and Senate.

⁷ "The Polish constitution," says Peretiatkiewicz, "is especially founded on the French constitution. The legislative system with two chambers, the election of the president of the republic by the diet conjointly with the Senate, the power given the president to dissolve the diet with the consent of the Senate, the political responsibility of the ministers to the diet, the relative ease of amending the constitution, all recall the French constitution." *La Constitution Polonaise*, p. 7.

⁸ The clumsiness of these provisions, their unworkableness, loomed large in the constitutional crisis of 1926 accompanying Pilsudski's *coup d'état*.

⁹ Articles 27-34.

a quorum and a majority of these may pass statutes. Specific restrictions are placed about interpellations, the ministers addressed being compelled to reply within six weeks or to submit statements—to either the Sejm or their interpellators—justifying their refusal to reply. Investigating committees may be appointed, as in Germany¹⁰ and other European countries, to make judicial inquiry in regard to any matter referred to them by the Sejm.

The Senate is permitted to consider every bill passed by the Sejm within a period of thirty days from its passage. Should it take no action, the president of the republic promulgates it; should it give specific approval in a shorter time, promulgation may take place immediately. If the Senate amends such measures, it must return them with the changes suggested within the time limit of thirty days. If the Sejm approves by an ordinary majority the changes suggested by the Senate, the bill forthwith may be promulgated. If the Sejm rejects by 11/20 of those voting the changes suggested, the bill as originally passed becomes law. It will be seen that the net effect is to allow the Senate a scant leeway of authority, as five per cent. of those voting in the Sejm (and this out of a possible one-third quorum) is sufficient to reject or sustain the senate's proposals.

The Senate is chosen from the voyevodships, or departments, on a general ticket, by universal, secret, direct, equal and proportional voting, senators being one-fourth as numerous as deputies. Electors for the Senate must possess the same qualifications as for the Sejm, and must, in addition, be at least thirty years of age and residents for a year within the voyevodship in which they vote. Transient workmen, state officials assigned to new posts, and peasants homesteading on tracts made available by the agrarian laws do not lose their original residence. All electors to the Senate are eligible to membership, if forty years of age. This provision applies also to persons in the military service. It would be legally possible, therefore, for a military coterie of active soldiery to exercise a powerful influence in the Senate, should a sufficient portion of the citizenry

¹⁰ Cf. *New Governments of Central Europe*, pp. 48, 303.

elect them to that body. Naturally, no one may be a member of both the Sejm and the Senate simultaneously.

All the provisions respecting internal autonomy, procedure and immunities in the Sejm apply equally to the Senate. It will be noted that the Senate really is given only an ineffective veto power on legislation, and that it is at best a chamber of revision rather than a rival of the Sejm for political authority. In fact, a prominent Polish authority holds that "if one takes into consideration the well-restricted competence of the Senate, one must say that the legislative system in Poland rests upon a single chamber."¹¹ The actual freedom of the Senate in amending numerous government bills would seem to belie this statement, but it can certainly be admitted that the Senate is much more imposing in structure than in political authority. Undoubtedly it has in practice served to prevent hasty legislation, but it has at times hampered rather than helped necessary legislation, as instanced in the history of the agrarian reform measures, which were bitterly contested by reactionary senators.

The final provision of the section on legislation, in Article 38, prescribes that "no statute may be in opposition to this constitution or violate its provisions." This clearly makes the constitution a law of superior obligation and furnishes the legislative bodies with a norm of legality, though the courts may not question the validity of duly promulgated statutes, or use their judicial power to enforce conformity to the constitution.¹² There is, therefore, no judicial supremacy under the Polish constitution in the interpretation of the laws; the will of parliament is theoretically supreme.

EXECUTIVE POWER

The third main division of the constitution¹³ deals with the executive branch of the government, executive authority being divided between the president of the republic and the cabinet.

¹¹ Peretiatkiewicz, *op. cit.*, p. 10.

¹² Section IV, Article 81.

¹³ Section III, Articles 39-73.

In creating the presidency Poland closely followed French models. The chief executive is elected for a seven-year term by majority vote of both legislative houses convening as a national assembly. The constitution provides neither for re-election nor for a limitation on the terms of service of the president, nor does it establish an age qualification, or one of Polish citizenship, though the latter may be taken for granted. It is not improbable that the strong influence of Pilsudski as chief of state and potential dictator was largely responsible for the vagueness of the constitution in regard to term and qualifications of the president. Three months before the expiration of his term the president must convoke the legislative bodies as a national assembly in order to proceed to the presidential election. Should he fail to do so, the chambers convene of their own accord under the presidency of the marshal of the Sejm. During an election, no speeches or other deliberations are permitted in the national assembly. The president, after his election, takes the oath of office before the assembly.

Various provisions are laid down in the constitution regarding the death, illness or other disability of the president, the marshal of the Sejm being permitted to act in his stead under such circumstances and to convoke the national assembly for a new election in case the presidency is left vacant. This provision was invoked in December, 1922, at the time of the assassination of President Narutowicz, to convoke the newly elected chambers as a national assembly and permit the election of Wojciechowski. In case of the disability of the president for a three-month period, the question of declaring a vacancy is submitted to the Sejm, and a $\frac{3}{5}$ vote of an absolute majority of members is necessary to evict the incumbent from the presidential office.

Presidential authority, as in France, is very broad, but it is actually exercised by the ministry, therefore little independence of action is left to the president. He signs statutes and directs their promulgation; issues executive ordinances, directions, orders and prohibitions with ministerial approbation and countersignature; appoints the premier, confirms cabinets and appoints, on ministerial recommendation, to subordinate civil and

military offices; commands the armed forces in time of peace; exercises the right of reprieve, mitigation and pardon,¹⁴ and acts as the nation's official representative in foreign affairs. For all these acts the countersignatures of the prime minister and the appropriate minister or ministers of various departments affected are necessary. Naturally, minor matters, within the competence of single ministries, are handled by ministerial decree without presidential intervention.

In the domains of military and foreign affairs the powers of the president are rather definitely circumscribed. As has been noted, he may not exercise military command in time of war. In his stead, a special commander-in-chief is appointed by him on recommendation of the cabinet made through the minister of war, who retains the political responsibilities. In regard to foreign affairs, the president, under the terms of the constitution, may make treaties quite indiscriminately, so long as they do not fall within the field specifically subject to parliamentary control. In case of treaties of this nature, it is only necessary to inform the Sejm of their existence by presenting copies to its bureau. In actual practice every treaty, convention or accord of a formal character has been submitted to the Sejm for ratification, and, not infrequently, to the Senate also. This was particularly the case with the Locarno treaties, ratified by both Sejm and Senate, early in 1926, although they were neither commercial or customs treaties, nor treaties involving financial burdens, nor treaties of alliance, nor such as to change the territorial frontiers of the state or impose new legal obligations directly on citizens—the categories of treaties requiring parliamentary approval. Happily, it would appear, the spirit of democratic diplomacy can quite transcend the strict legalisms of constitutional interpretation. Arbitrary war-making power has no place in the Polish constitution, as the consent of the Sejm is necessary both for the declaration of war and the conclusion of peace. After the fratricidal strife imposed upon German, Austrian and Russian Poles by the constitutional arbi-

¹⁴ There is an exception here in the fact that the president may not pardon ministers convicted after impeachment. General amnesty can be extended only by law.

trariness of three imperial régimes, there were most urgent reasons for subjecting the war power to constitutional control.

The president is not responsible either to parliament or at civil law. Ministerial responsibility takes from him all ordinary political responsibility, and apparently it does not comport with the dignity of the chief of state to make him amenable to the civil law for ordinary damages during his term of office. Criminal responsibility for betrayal of the country, violation of the constitution, or other criminal offenses is provided for through the creation of a Court of State before which the president may be tried on charges preferred by a three-fifths vote of an absolute majority of the members of the Sejm.¹⁵ The same provisions apply to impeached ministers, who may not resign office in order to escape their constitutional responsibility.

THE MINISTERIAL SYSTEM

The theories of ministerial responsibility are carefully outlined in the provisions of the constitution. Collectively, the ministers form the Council of Ministers under the chairmanship of the premier, and the council "bears the joint *constitutional and parliamentary* responsibility for the general direction of the activities of the government." It appears that the framers of the constitution intended to make a clear-cut distinction between the constitutional responsibility, which is really legal, and the ordinary parliamentary responsibility, which is political. There is, in addition to the joint responsibility, which is of both kinds, the individual responsibility of ministers for the conduct of their respective departments. According to the constitution, this is really triple in character, as ministers must conform to the constitution and other statutes of the state (constitutional responsibility), must supervise activities of subordinate officials (administrative responsibility) and must be accountable for the direction of departmental policies (political

¹⁵ Preferment of such charges operates to suspend the president from office forthwith. The court is made up of the first president of the supreme court and twelve members, eight selected by the Sejm and four by the Senate from outside their membership. (Article 64.)

responsibility). Both jointly and severally the ministers are responsible for the acts of the president of the republic. Parliamentary control over the ministry is very clearly specified, and individual ministers or the entire cabinet may be asked by the Sejm to resign. This enumeration of the kinds and degrees of responsibility is carried further than in any other post-war constitution, though it somewhat closely resembles that laid down in the Weimar constitution.¹⁶

The constitution does not attempt to enumerate the number, competence or mutual relations of the ministers, as does the German instrument, but leaves these to be elaborated in future legislation. Due to the need of drastic economy in the post-constitution period, Poland has had a variable number of ministers, and the final number cannot be determined for any lengthy period. Independently of the ministries, but on a parity in point of powers, the Central Liquidation Service, entrusted with the winding up of accounts with neighboring states under the peace treaties and taking care of reparations due Poland, and the Central Rural Service, undertaking the limited measures thus far authorized by way of agrarian reform, have functioned.

LOCAL GOVERNMENT

The stipulations of the constitution regarding local government are terse and clear. Poland is divided, for purposes of administration and local self-government, into voyevodships, districts, and urban and rural communes, roughly paralleling the French departments, arrondissements and communes or, more exactly, the old Prussian Provinzen, Kreise and Gemeinde. By law 16 voyevodships and 262 districts have been created. Without prescribing the units to which combination may apply, the constitution provides for the formation of unions of local government units into legally incorporated bodies for the furtherance of common activities. This smacks of the Poor Law Unions in England, particularly as Poland will for an appreciable time have to care, through her local government bodies,

¹⁶ Cf. *New Governments of Central Europe*, pp. 52-53.

for those who, as a result of the war, have been made dependent upon official assistance.

The framework of government within the voyevodships and other local government units is only sketchily outlined in the constitution. Provision is made for elective councils for legislative purposes and for executive committees, chosen by these councils and under the presidency of central governmental officials, for executive and administrative purposes. This general provision was further elaborated by an important law of September 26, 1922, on the autonomy of the voyevodships. Under its terms every voyevodship has as its legislative council a *dietine* which is empowered to pass laws having obligatory force throughout the voyevodship, though it is provided that these must be in conformity with the constitution and state statutes, thereby recognizing the superior obligation of the fundamental law. As a political safeguard against the abuse of power by the dietines, it is stipulated that all laws passed by them must be signed by the president of the republic and the prime minister.¹⁷ This should serve in practice to insure conformity to the national constitution.

The voyevodship commissions are empowered to undertake general administrative duties under the surveillance of the agent of the central administration. This powerful person in the voyevodships is the *voyevod*,¹⁸ or governor; in the district he is the *starost*, or prefect, who is the representative of all the ministries at Warsaw, and not merely the agent of the ministry of the interior. In this respect, therefore, Poland has assured the national government a powerful administrative control over the activities of the local government bodies. Although intimations are given that local administrative tribunals will in time be created, such are now in existence only in former Prussian Poland, where they were introduced by German rulers and have been officially retained. One supreme administrative court,

¹⁷ This closely resembles the provision of the Czechoslovak constitution respecting legislation for Sub-Carpathian Russia, which must be specially approved by the president of the republic and the governor of Russia. Cf. *New Governments of Central Europe*, p. 294.

¹⁸ He is also given full legislative initiative in the dietine and a suspensive veto on all laws and ordinances passed by it.

modeled on that of Austria, has, however, been created as an agency for settling disputes between citizens and the governmental authorities and for delimitation of the respective jurisdiction of governmental institutions where this has not been previously determined by law.¹⁹

Of special interest are the provisions of the law of September 26, 1922, regarding Eastern Galicia, which comprises the three voyevodships of Lwow, Stanislawow and Tarnopol, with predominantly Ruthene or Ukrainian populations. Here a broad grant of authority has been given to the local government bodies ostensibly in the interests of the local Ruthene population. However, the dietines are here bicameral, one curia being made up of Ruthene representatives and the other of Poles. Both must have an equal number of representatives. Each deliberates independently and votes separately. On matters of common concern, laws can be passed only by agreement of both curiæ. Where the interest of but one curia is involved, its decision suffices to make law. It will be clearly seen from this arrangement that Poland, in dealing with highly fractious and dissident "minorities" which are locally overwhelmingly in a numerical majority, has attempted to impose the same sort of artificial dualism that characterized the old dual monarchy.

The same arrangements apply to the executive committees. Here the voyevod presides over a committee of eight members, two designated by each curia and the remaining four by the voyevod himself, from among citizens of both Polish and Ruthene nationality. The commission meets in two "national sections" and deliberate in common only on questions of common interest, otherwise each "section" acts alone. The law stipulated that these provisions must be enacted before September 26, 1924. It will be noted later that only reluctantly did the Grab-ski ministry essay to put them into effect.²⁰ The whole scheme, while doubtless technically within the letter of the Minority Guarantees Treaty which Poland so reluctantly signed in 1919, would appear to do scant justice to the local Ruthene popula-

¹⁹ Cf. *New Governments of Central Europe*, p. 178.

²⁰ Cf. pp. 508-512, *infra*.

tion, and to be the clearest possible indication of the dubiously Polish character of the regions in question.²¹

THE POLISH JUDICIARY

The fourth principal division of the constitution relates to the judiciary.²² Courts administer justice in the name of the republic; the judges, with the exception of elective justices of the peace, are appointed by the president of the republic from among persons possessing the qualifications demanded by law. Judges are independent, subject only to the law, irremovable except by judicial decision, though transferable under statutory provision, or pensionable in case of judicial reorganization. They may not be arrested or prosecuted, even if caught *in flagrante delicto*, without the consent of the appropriate court.

Courts do not have the power, as has previously been noted, to inquire into the validity of properly promulgated statutes, but, on the other hand, both executive and legislative authorities are legally prevented from changing judicial decisions. This is presumably to be interpreted as meaning that individual de-

²¹ The eastern provinces, of mixed Ruthene, Polish and White Russian population, have been organized by a law of February 4, 1921, into the three voyevodships of Volhynia, Polesia and Novogrodek, governed largely by ministerial decree. By a law of June 16, 1922, the Polish constitution and laws were extended to Upper Silesia, and the ministry was given extended ordinance power to transform local legislation to make it conform to the stipulations of the Treaty of Versailles, though the Silesian diet was given considerable autonomy. In the Vilnius region, acquired by the *coup d'état* of General Zeligowski, a diet elected early in 1922 by the Polish element (the Lithuanian inhabitants being unwilling to legalize, through their participation, the open breach of the now famous Agreement of Suvalkai which accorded the region to Lithuania) voted that Poland had sovereign rights over the territory in question. On March 24, 1922, the Polish diet invited the Polish government to take over the territory. This was done by a law of April 6, 1922, extending the Polish constitution to the region, making applicable there the law of Polish nationality, and investing administrative powers comparable to those of a voyevod in a "Special Delegate for the Administration of Wilno Territory." It is these regulations, resolutions, laws and acts that give the color of legality to the present day (1927) administration of the Vilnius region. Cf. Peretiatkowiez, Antoine, *op. cit.*, pp. 26-29.

²² Section IV, Articles 74-86.

cisions cannot be annulled by statute, but it cannot, by any legitimate interpretation, be construed as denying to the Sejm the power of revising a law on a point where its own interpretation has clashed with that of the judiciary. Hearings before the courts are public, unless otherwise provided for by law, and juries are used in cases of felonies entailing rather severe punishment.

The ordinary judiciary culminates in a single supreme court, for both civil and criminal cases. In view of the coexistence of a supreme administrative court, provision is made for a special competence court, or tribunal of conflicts, to determine conflicts of jurisdiction between the administrative authorities and the ordinary courts. Peculiarly enough, in framing her fundamental law in 1921, Poland made no attempt to establish a constitutional court, as was done in Austria and Czechoslovakia.²³ More reliance seems to have been placed on the categorical phraseology of the constitution as to its own superior obligation and upon the power of the ordinary judiciary to carry out the obligation of upholding the fundamental law, than upon any special body which should be the custodian of constitutionality. In this respect Poland built upon American rather than European models.²⁴

THE BILL OF DUTIES AND RIGHTS

The final section of the constitution²⁵ embodies the general duties and rights of citizens, inverting the order in which the similarly long bill of rights and duties appears in the Weimar constitution. Dual nationality is forbidden, and citizenship is defined as flowing primarily from Polish parentage rather than

²³ Cf. *New Governments of Central Europe*, pp. 178, 293.

²⁴ It is interesting to note that among the constitutional projects put forth by the Bartel cabinet following the Pilsudskist *coup d'état* in May, 1926, that of creating a constitutional court consciously modeled on that of Czechoslovakia was one of the foremost measures designed to fill the lacuna here noted. This is discussed in relation to the other projected reforms, *infra*, p. 527.

²⁵ Section V, Articles 87-126.

from birth in the territory of Poland, although the latter basis of citizenship is admitted by law in exceptional cases.²⁶

Among the duties of Polish citizens the foremost is that of fidelity to the republic. Next are laid down the duties of respecting and obeying the constitution and laws, performing military service, the paying of taxes, complying with the orders of governmental authorities, performing public duties and affording Polish children the benefits of education. In return, Poland guarantees to all its citizens full protection of life, liberty and property without distinction of extraction, nationality, language, race or religion. Foreigners enjoy the same privileges and rights and duties only on condition of reciprocity. This provision, in view of the long-addled state of Polish-German relations, may be construed as an endeavor to force action on the part of Germany as regards Polish optants desirous of remaining in Germany. It is to be noted that none of Poland's neighbors have made the rights of foreigners in any sense conditional upon reciprocal legislation in other countries.

Equality of citizens before the law is among the most cardinal of the rights accorded them under the Polish constitution. All have access on equal terms to public office, and no distinctions of birth or estate are recognized. Hence titles, as they are retained in republican Poland, have no more significance than in republican Germany or republican France. Freedom of the person, of domicile, of migration and emigration, of choice of location and vocation; freedom of speech, petition, association and union; freedom of religion and conscience and secrecy of correspondence, are all guaranteed within legal limits. Par-

²⁶ The principles governing Polish nationality are found in the Minority Guarantees Treaty of June 28, 1919, the Treaty of Riga of March 18, 1921, between Russia and Poland, the law of January 20, 1920, and the edicts of the minister of the interior of June 7, 1920, and February 5, 1921. By the terms of these, Polish nationality is conferred additionally by (1) adoption, (2) marriage to a (male) Polish citizen, (3) formal conferring of nationality by administrative naturalization, and (4) through formal entry into the Polish administration or army. Naturalization is accorded only to those of good moral character who have resided for ten years in Poland, are self-supporting and know the Polish language. Persons of Polish descent returning to Poland from abroad are specially favored by the law. Cf. Peretiatkiewicz, *op. cit.*, pp. 8-9.

ticular attention is paid to the right of *habeas corpus* and to immunity from search without warrant; sundry safeguards are placed about the citizen to prevent him from being denied access to legal justice. No censorship of the press is permitted, and daily papers and other publications printed in Poland may not be debarred from the mails or denied the right of free circulation throughout the country. There is also a constitutional guarantee of freedom to publish any results of learned investigation and research. Thus the guarantees of individual freedom seem particularly broad; their actual enforcement through the Polish judiciary will, without doubt, raise some difficulties and be apt to define in a more detailed manner the extent and limitations of such rights. In general, however, it may be said that the Polish constitution establishes individual rights in a very far-reaching manner, going further in some respects than any other contemporary constitution.

Of peculiar interest among the stipulations of the bill of rights are those relating to nationality and religion. Every citizen is given the right of preserving his nationality and developing his mother tongue and national characteristics. The corporate rights of minorities are guaranteed through special statutes providing state assistance for minority unions, though these must not interfere with ordinary local self-government. Minorities are specifically granted the right of founding and administering at their own expense such charitable, religious and social institutions as they may desire; in these they may freely use their own language and observe their religious rites. Such provisions give constitutional backing to the guarantee of minority rights which Poland had signed at Versailles. Certainly they mark a vast advance over the régime of oppression from which Poland, in the days of her partitioning, had suffered under German, Austrian and Russian rule.

No differential treatment of citizens on account of their religious beliefs is permitted; all citizens may freely practice religious rites in public or private, individually or corporately, so long as this does not contravene public order or morality. Religious freedom may not, however, be used as a cover for the evasion of public duties, such as, for example, military service.

All religious organizations are guaranteed corporate status and internal autonomy, but no religious community may operate in opposition to the statutes of the state. Roman Catholicism, as the religion of a preponderant majority in the nation, is given a privileged position under its own statutes, and the Polish state is required to enter into an "agreement" with the Holy See determining the relation of the Church in Poland. This was actually undertaken in 1924, and a full concordat was signed between the Vatican and Poland early in 1925.

As regards education, the constitution prescribes compulsory, free elementary instruction for all citizens, within limits to be defined by statute. Private schools may be organized within the limits of general statutes, provided their educational standards, their facilities for caring for children entrusted to them, and their loyalty to the state is above reproach. Religious instruction is compulsory for pupils in state institutions up to the eighteenth year, and is placed under the direction of local religious communities. No exceptions are made for dissident religious minorities or free thinkers.

It was to be expected that a state whose constitutional existence had been seriously menaced by militant Bolshevism would seek to reinforce the status of property under its fundamental law. Accordingly, the constitution recognizes property, whether individually, collectively or corporately owned, as "one of the most important bases of social organization and legal order." Therefore all citizens, institutions and associations are guaranteed full protection of their property, the constitution permitting its abolition or limitation only under rigid provisions for compensation to the owner. Acquisition of land for state property is left to regulation by statute. Agricultural land is considered "one of the most important factors of the existence of the nation and the state" and is under special governmental protection. No formal mention of agrarian reform, as such, is to be found in the constitution, but provision is made for statutory definition of the right of the state to buy land against the will of the owners and to regulate the transfer of land. Except for the affirmation that "the agricultural organization of the republic of Poland should be based on agricultural units capable

of regular production and forming private property'' the vital land problem is left untouched.²⁷ This is not an accident. After the imminent danger of a Bolshevik régime at Warsaw had passed, it became the clear-cut design of the Polish magnates not to allow any real reform in relation to the possession of agricultural property. The fact that agrarian reform was delayed for six years after the constitution was drafted speaks eloquently of the alleged liberal character of the Polish state.

Parallel to the safeguards for property under the constitution are those established for labor, which is recognized as "the main basis of the wealth of the republic" and as entitled to the special protection of the state. The right of the citizen to state protection for his labor is stipulated, as is also the right of citizens to the benefits of far-reaching schemes for social insurance against unemployment, illness, accident or old age. The state is also to provide guidance and consolation for indigents, dependents and defectives. Children neglected in education by their parents are entitled to state assistance, although parents may not be deprived of authority over their children except by judicial decision. Maternity safeguards are left to subsequent legislation, but the principle is affirmed in the fundamental law. Finally, a constitutional prohibition of child labor for persons under fifteen years of age, of employment of women in industry at night, and of the employment of young persons in noxious industries is decreed. In this respect, at least, a benevolent paternalism has brought the Polish constitution far in advance of that of the United States.

Interestingly enough, the Polish constitution has endeavored to safeguard the interests of all classes in the community from an economic standpoint by providing for the creation of units of economic self-government in addition to those of territorial self-government.²⁸ These are to take the form of chambers of commerce, agriculture, industry and crafts, hired labor and others, united into a Supreme Economic Council which is to have the dual task of directing economic life and preparing draft legislation. This, apparently, is a compromise between

²⁷ Article 99.

²⁸ Article 68.

the Reichswirtschaftsrat of the German Republic, which has simmered down to an auxiliary bill-drafting body, and the Supreme Soviet for National Economy in the Soviet Union. Thus far, however, the Supreme Economic Council is but a promise.

The final section of the bill of rights²⁹ provides redress for citizens against governmental authorities and sets forth the circumstances under which constitutional guarantees can be suspended. Citizens are entitled to compensation for illegal acts performed by state authorities. The state is made jointly suable with the officials; likewise the lower units of local government are made corporately responsible for the acts of their officials. Civil rights are accorded to persons in the military service, and they enjoy equally with their fellow citizens the protection of the constitution. Temporary suspension of civil rights (personal liberty, inviolability of home and hearth, freedom of the press, secrecy of correspondence, rights of assembly, union and association) may be undertaken for reasons of public safety, but only by order of the cabinet, with the permission of the president, and during war or threat of war, or in time of severe internal disturbance or widespread conspiracy of a treasonable character. Such a step must, however, be confirmed by the Sejm. In case the Sejm should refuse, naturally the measures lose all legal force or validity. Should the Sejm not be in session, it is automatically convoked within eight days; should it have been dissolved, such measures must receive the confirmation of the next Sejm.

AMENDMENT AND REVISION

The constitution may be amended by a two-thirds vote of a quorum consisting of a majority of the members of both Sejm and Senate. The second Sejm to be elected under the constitution may, however, revise the 1921 constitution by a three-fifths majority, without the concurrence of the Senate—a loophole being thus left for escape from any obvious hardships in the working of the constitution. In either case a motion for amendment must be signed by one-fourth the total number of

²⁹ Articles 121-124.

deputies, and fifteen days' notice must be given. In addition to amendment, the constitution provides for periodic revision every twenty-five years. Under such circumstances both houses meet as a national assembly and vote by an ordinary majority, as in France. The uniqueness of the procedure lies in the compulsory revision every quarter of a century. In this way Poland has guarded against the possible obsolescence of her fundamental law. Having suffered bitterly from the unworkable character of a constitution which was virtually unamendable before the Partitions, resurgent Poland did not desire to hamper her future development by too rigid a construction of her fundamental law.

GENERAL CHARACTERISTICS OF THE CONSTITUTION

When viewed in comparison with the other constitutions of the post-war period, that of Poland is distinctly moderate, if not conservative. It has guarded against directly elected executives by creating a presidency immediately dependent upon parliament. This is in line with the trend in the Baltic states, and is, to say the least, a measure of prudence in view of the somewhat romantic character of Polish politics. The constitution has built a rather weak executive in an attempt to escape the possible man on horseback. On the other hand, it has created an all-powerful diet, though it has balanced this division of policy-making power against a strong judiciary, and made it the conservator of constitutionalism. This is perhaps a wise feature, as a judiciary is apt to be less spasmodic than a flighty partizan coalition in following the procedure of constitutional interpretation.

Another source of strength to the republic is the balance between central administrative and financial control and the local autonomy conceded to the *voyevodships*. The constitution has clearly delimited the responsibility of the actual administrators and has formulated, in principle, stringent safeguards for civil rights. But it has not a touch of the democratic parliamentarism, the theory of direct participation by the people in legislation and policy making. The reason is clear enough. Poland,

though physically reunited, has not as yet achieved her entire moral unity, and has incorporated too many alien populations as a result of her policies of adventure to indulge in too democratic a constitution. This explains the limitations on a too zealous acceptance of democracy.

The Polish constitution is, in the last analysis, a reflection of national moods and the cross currents of her politics after the alternating fortunes of victory and defeat, despair and exaltation. It has behind it neither the methodical, creative ambition that characterized the Weimar constitution, nor the vibrant national democracy of the Baltic fundamental laws. It is, in part, the result of compromise; but the compromises have redounded almost throughout to the advantage of conservatism. Nevertheless, it is a realistic constitution, in that it accepts the burdens imposed upon Poland by the conditions of her renaissance. It strives to guarantee liberty for a people who had long known only tyranny; legality, for a nation that had suffered oppression; order, for a state born in an era of unexampled upheaval.

CHAPTER XVI

POLISH POLITICS, 1921-1926

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IMPLEMENTING THE CONSTITUTION

THE month of March, 1921, is a turning point in the history of resurrected Poland. Within one week the country received its constitution, made its peace with Russia and gained by plebiscite an important part of Upper Silesia. This marked the sudden closing of a momentous chapter in the nation's history and the beginning of a new epoch of constitutional development and pacific international intercourse.

The constitution, as will be recalled, was the product of the mature deliberations of the constitutional commission, and represented the essentially conservative views of the Center and Right parties. These were the groups which had heavy interests at stake in the establishing of a constitutional order—the cler-

ical elements who desired and secured a union of church and state, and the agrarian conservatives who were anxious to retard, if not to stop entirely, the land reforms which struck at their personal fortunes. With these forces the moderate Populists led by Vincent Witos had cast their lot in the passing of the constitution. The radical Populists on the other hand, led by Thugutt, the Socialists and the national minorities had solidly opposed the new fundamental law because, in their eyes, it was a reactionary instrument. The constitution, then, could not from the beginning be said to be acceptable to all; nevertheless, by the end of March, 1921, it was an accomplished fact, and the parties in the diet had to accept the political consequences of its passage.

Once the constitution was passed, it became the duty of the diet to provide by law for the transitional period, which it did by a law of May 17, 1921, authorizing the diet to continue to sit until new legislative chambers were elected and met, and empowering the chief of state to retain his rights and duties under the February, 1919, constitution until the election of a regular president of the republic. This done, Witos recast his cabinet to include additional representatives of the Left parties and rid himself of Prince Sapieha at the foreign office, finding in Constantin Skirmunt, the Polish minister at Rome, a fitting collaborator in the development of a policy of peace based on existing treaties and enlightened liberalism.

THE BASES OF POLISH FOREIGN POLICY

The advent of Skirmunt marked a definitive change in Polish foreign policy, and one with far-reaching consequences. Poland had previously oscillated between a policy of blind subservience to the allies and agreement with their dictates on the one hand, and one of national adventure, such as the Skulski cabinet had pursued in the ambitious orgy of expansion culminating in the Russo-Polish war, on the other. Sapieha had been responsible for the Treaty of Riga, which liquidated the policy of adventure; it was time for the laying of more permanent foundations for Poland's foreign policy. These Skirmunt supplied.

The bases for a new foreign policy were to be the treaties of Riga and Versailles and the alliance with France, shortly to be strengthened by other alignments and commitments. "The principal object of Polish diplomacy," said Skirmunt on assuming office, "is to create a parallelism of interests between Poland and the Czech people, and to take a definite stand toward the Little Entente. . . . The vital interest of Poland is to establish normal relations with her two great neighbors." This degree of objectivity and realism had not previously been known in Poland, and it was destined to bear excellent, if limited, fruits. It took but four months of negotiation to arrive at an understanding with Prague which has stood the test of subsequent whims of policy and served as the basis for the final political convention of April 20, 1925. This agreement has definitely assured peace and cooperation between Poland and Czechoslovakia, provided them mutual guarantees of support and security and of pacific liquidation of whatever disputes may arise between them. In this vital connection with a kindred Slavic people Poland has learned the value of moderation and sobriety.

Having effected an arrangement with Czechoslovakia, Skirmunt turned his attention to clearing up relations with the Baltic states. With Lithuania no agreement proved possible on account of the inflexible attitude of the Kaunas government, which demanded a return to the situation existing before Zeligowski's famous raid on Vilnius. The tension which the Vilnius *coup d'état* had originated, and the fact that it was met by an equally inflexible refusal on the part of Poland, were destined to resist all efforts at solution under either League auspices or direct negotiation. The elections to the Vilnius diet, its resolution to attach the Vilnius area to Poland and the candid avowal by Pilsudski, on the extension of Polish administration to the region, that Zeligowski's act had been a noble one, quite precluded any possibility of peaceful settlement which should not be mere acquiescence by Lithuania in this plundering partition of her territory. Hope that the Lithuanian nation should come to any such attitude was indeed vain, hence Skirmunt was destined to failure in attempting any settlement on the basis of the existing situation.

With the other Baltic states, however, relations were much improved by the Helsingfors conference of July 25-29, 1921. Here the endeavor was made to pave the way for closer rapprochement, for the admission of Latvia and Esthonia to the League of Nations, and for a mutual understanding of the four states in regard to the policy they should pursue towards Lithuania. In the existing situation none of the other Baltic states had essayed to deal with Lithuania for fear of affronting Poland, and in his attempt to effect a diplomatic isolation of Lithuania Skirmunt was for a time measurably successful. However, the admission of Lithuania, simultaneously with Esthonia and Latvia, to the League was a rude blow to his policy of encirclement and isolation, and thereafter it was impossible for the Baltic states to remain aloof from their sister republic. The fruits of Baltic cooperation were multiplied by this necessity of including Lithuania in the deliberations, even though Poland and Lithuania disdained to appear simultaneously.

On the eve of the Genoa conference, in March, 1922, Skirmunt once more renewed contact with the Baltic states, first at Warsaw, where a general agreement was reached to support each other in all the deliberations at Genoa, and then at Riga, where the Polish, Latvian and Esthonian governments came to an agreement with the soviet delegation, in regard to the coordination of their efforts at eastern European reconstruction. The significance of this Riga conference is far-reaching, as it was the first general meeting of the border states with the Russian commissaries and was destined to lay the bases for a general understanding on all sides. The agreements consummated at Riga were based on mutual recognition of the peace treaties between the various countries, and on a realization of the desirability of mutual and reciprocal disarmament. The chief gains of this conference were understandings and agreements regarding the freedom of railway communications and the patrolling of the frontier districts. The pacific intentions of all parties were manifest. Russia could not expect readmission to deliberation with the western Powers at the forthcoming Genoa conference without practicing a policy of peace towards her immediate neighbors. The assurance gained on all sides before that con-

ference made fruitful the cooperation of the entire Baltic bloc—save for Lithuania.

The imminence of the Genoa conference also furnished Skirmunt with the first tangible opportunity of coming to an understanding with the Little Entente. Here again it was the spirit of cooperation and the effective handling of economic questions that marked the deliberations, rather than any far-reaching plans for military alliance. The net outcome of all these deliberations was a new feeling of economic solidarity and interdependence, expressed in numerous multilateral agreements.

The final and culminating step in Skirmunt's policy was the conclusion of four important political conventions with France, knitting the bonds of the military alliance still closer by an extensive political agreement, a commercial treaty and generous petroleum concessions. It was largely this economic and diplomatic lubrication that prevented the questioning at Genoa of Poland's title to either Vilnius or Eastern Galicia. The alliances with France and Rumania,¹ then, the understandings with the Little Entente and the Baltic states, the strict execution of both the Treaty of Versailles and the Treaty of Riga without chauvinism and without weakness—these were the foundations of Skirmunt's policy. They were the embodiment of optimistic realism and constructive cooperation—within the limits allowed by Polish national feeling and the exigencies of party groupings in the diet.

INTERNAL POLITICS, 1921-1922

The internal political situation in Poland had meanwhile undergone an interesting evolution. After the constitution came into being, new political groups came forward to mold their programs in relation to the new instrument.² In the face of new

¹ The alliance with Rumania was concluded shortly after the Peace of Riga.

² Such, for example, was the Party of Realist National Action, taking its stand firmly on the March constitution and seeking to have the instrument rigidly enforced so as to keep the government's actions at all times within the strict bounds of legality. While not opposed to new ideas, the party endeavored to raise the level of political customs in the country from the mire of personal politics to higher ethical standards, and sought

groupings and reorientations in the old parties, the Witos cabinet found its Populist support rapidly diminishing and a stable majority impossible. Hence, on September 10, 1921, Witos gave way and once more Poland passed under a non-parliamentary régime.

It was left to Antoni Ponikowski, who had held together the nuclear national administration in the tragic days of Brest-Litovsk when the activist cabinet of Kucharzewski had awakened to the crude realities of German domination, to come to the rescue with an interim cabinet ready to assume the staggering burden of straightening out the addled finances of the country. For five years following the creation of the Council of State in 1916, for three years since her liberation from the Central Powers, Poland had gone without a budget. With childish prodigality she had squandered a hundred billion Polish marks on her military adventures while collecting only a tithe of that amount in taxes. Manifestly some effort must be made to rescue the country from financial disaster and to strengthen credit at home and abroad. The rude beginnings of a budget had been attempted by Grabski in his phantom ministry in 1920, but none had followed in his footsteps, hence it was left to Ponikowski and his finance minister, Michalski, to propose a series of far-reaching measures for balancing the budget by intensified production, lowered national expenditure and general administrative consolidation and retrenchment.

Such a draconian economic and financial program was predestined to run counter to Populist and Socialist economics, as it endangered the wholesale land expropriation program of the former and the eight-hour day cherished by the latter. Despite the opposition of these parties in the diet, Michalski pushed through his program of a capital levy, or "danina," which materially improved Polish credit, but failed by a considerable

to do away with the class struggle by uniting all groups for collective national betterment and religious tolerance. This was an evidence of a healthy, moderate conservatism and a return to national normalcy. On the other hand, the party congresses of the Polish Socialist Party revealed a thorough disillusionment in regard to the doctrines of communism, and a return toward a vigorous national socialism not unlike that found in Czechoslovakia.

margin to cover national expenditure. While the extension of credit by the government to industry and the efforts at increased agricultural production were moderately successful, foreign credit was not forthcoming, the times were not propitious for an external loan, and the diet was reluctant to curtail expenditure. The principal achievements of Ponikowski were, therefore, not in finance but in the administrative consolidation of the country, particularly as regards Prussian Poland, the methodical, if modest, pursuit of agrarian reforms, the improvement of communications, housing, hygiene and education, and the introduction of military reforms and partial reduction of effectives.

The end of the Ponikowski régime came with dramatic suddenness. The chief of state, Pilsudski, made it apparent that he had no confidence in a cabinet which did not pursue an energetic military and diplomatic policy towards Russia. On being informed of such an attitude on the part of Pilsudski, Ponikowski tendered his resignation, which was not accepted; then, a few days later, he was summarily summoned by Pilsudski and curtly dismissed. This high-handed action on the part of the chief of state in dismissing a cabinet without consulting either the political parties or the marshal of the diet immediately precipitated a political crisis of the first order, in which Pilsudski was generally accused of attempting an autocratic, military policy likely to lead Poland into another ruinous political and military adventure. The issue was squarely joined between the field marshal in the position of chief of state and the diet.

To the extreme Left parties, who consistently had supported their idol, the idea of leaving the initiative and decision as to who should form the government exclusively in the hands of the chief of state was entirely within the purview of the temporary constitution of February 20, 1919, which, as has already been noted, was still in force, and which had regulated the relations between the chief of state and the diet; to the Center-Left parties, primarily the Populists of moderate hue, it appeared that the initiative likewise belonged to the chief of state, but not exclusively, as the groups of party leaders should be consulted, particularly in case the chief of state were undecided as

to his choice of a prime minister. To the parties on the Right, the idea of parity of rights between the diet and the chief of state seemed the only constitutional solution. In the end the diet resolved, on June 16, 1922, to create a "principal commission" which must thenceforth be consulted by the chief of state in the selection of a cabinet. In this way the vagueness of the provisional constitution, which had not theretofore been called into question, was temporarily remedied.

This decision has been aptly characterized as a fundamental and momentous turning-point in the constitutional history of Poland. It definitely decided the first clear-cut issue between the chief of state and the diet in the interests of the latter, and left the legislative body omnipotent. In any event, it appeared to mark the end of Pilsudski's personal ambitions—for the time being. Once, in the thrilling days of November, 1918, when the Regency Council was about to vanish, he had dealt the phantom body a death blow and installed himself in power as dictator; then, in 1922, as the diet was about to expire, it would have seemed that the times were propitious for another dictatorship. But the diet, whatever might be its inherent weaknesses and faults, was nevertheless a freely elected representative of the nation, which neither the Council of State nor the Regency Council had been, and thus refused to efface itself before the chief of state. The issue was settled without bloodshed by the capitulation of Pilsudski. He designated as his choice for premier Arthur Sliwinski, a radical activist of undoubted ability but little political experience, only to have his champion candidate rebuffed by the diet. Pilsudski accepted his defeat with good graces and eventually allowed Professor Julien Nowak, rector of the University of Cracow, to form another non-partizan cabinet of experts to attempt to carry on the tasks left unfinished by Ponikowski.

The change of ministry was exceedingly unfortunate. It meant not only an abandonment of Michalski's financial program, but a partial reversal of the healthy policy of rapprochement inaugurated by Skirmunt. The Nowak cabinet, with Gabriel Narutowicz at the foreign office, was from its inception under the influence of the Galician parties, which were the last

to give up their activist policy after the German and Austrian revolutions. While this fact operated to permit greater leniency to Germany, which was certainly desirable, it also had the unfortunate consequence of deliberately working to alienate the Czechs. It was a policy which was regarded by the opponents of Nowak as a return to the signal incompetence, alike in matters of domestic and foreign policy, that had characterized the Skulski ministry in 1920. Fortunately, in the scant half year that Nowak and Narutowicz remained in office, no far-reaching foreign questions arose, and the period of diplomatic reversal passed without seriously impairing the policies of Skirmunt. A lessening of tension with Russia, support of the reconstruction of Austria, and an understanding with the Little Entente on Austrian reparations were the chief gains of the period, as little was netted from the Baltic conferences held at Warsaw on September 21, and at Reval on October 8, 1922, save a promise of further economic rapprochement. The desire of Soviet Russia to bring about disarmament in Eastern Europe led to the summoning of a conference at Moscow for this purpose on December 2, 1922. It was the endeavor of Prince Janus Radziwill, who headed the Polish delegation, to persuade the soviet government to adopt a pact of non-aggression providing for peaceful settlement of international disputes without thereby committing Poland to disarmament. As the Russian delegation was unwilling to accept blanket arbitration without technical disarmament, the conference was rendered nugatory and adjourned without accomplishing anything. Such were the international fruits of the Nowak régime.

ELECTIONS OF 1922

The chief task before the Nowak cabinet was that of actually bringing the constitution of 1921 into force. For various partizan reasons the diet had hesitated to sacrifice its possession of political power for the uncertain advantages of a new bicameral régime, where it must needs divide its authority with an elective Senate. Hence the date of the elections had again and again been postponed. One of the first acts of the Nowak ministry was

to set a date for the elections and to pass an electoral law and the elections were set for November 5 and 12 for the Sejm and the Senate respectively. A comprehensive electoral law was passed on July 29, 1922, and the elections were set for November 5 and 12 for the Sejm and Senate respectively.

Under the terms of this law, 444 deputies were to be elected to the Sejm and 111 members to the Senate. For the purpose of these elections district lists and "national lists" were created, about four-fifths of the deputies being chosen from sixty-four electoral districts, each returning from three to ten members, while the remainder were to be allotted according to the D'Hondt plan to the lists having the highest totals. Arrangements were made for electoral commissions in each district and for a national electoral commission to allot the seats on the basis of the national list. To discourage small and straggling parties, it was provided that no seats should be allotted from the national list to parties electing deputies in less than six districts—a provision bitterly attacked by the small parties. A similar arrangement was made in regard to the Senate, but, as there were fewer districts, parties were required to elect from but three in order to enjoy the benefits of the national lists.

A significant feature of the law was its provision for the settling of contested elections, not by the bodies themselves, but by the supreme court, in public session. This arrangement, which somewhat approximates British usage, would appear an excellent safeguard for the fairness and impartiality of decision in case of contest, contrasting strongly with the decisions of parliamentary bodies themselves or of mixed commissions such as are employed in Germany under the Weimar constitution.³

The law further provided for the election of the president of the republic by the assembled chambers, making it necessary that the incumbent chief of state (Pilsudski) should call together the chambers as a national assembly before laying down his power, or, in his stead, the marshal of the diet should act. To receive consideration, presidential candidacies must be signed by at least fifty members of the national assembly. During the voting no one was to be permitted to speak. A simple majority

³ Cf. *New Governments of Central Europe*, p. 47.

vote was to prove decisive. Should no candidate receive a majority, the weakest candidate was to be eliminated on each successive ballot until but two were left.

As soon as the electoral law was enacted and the date of the elections set, a fervid partizan activity took place and numerous electoral combinations were consummated. The most important achievement was the creation of the Christian League of National Union—not unlike the Christian Nationalist groups in Hungary—a combination of the Right parties into a solid electoral bloc in the hope of winning a decisive electoral majority such as would enable them to command a working support in the Sejm for a Right government. Though decried by its opponents as an artificial combination, it described itself as being “not an improvised consortium, a mutual assurance society for the sake of capturing seats, but a coalition of groups based on the same political principles and who have the same national objectives.” “Catholic and nationalist, the League,” said a current interpreter of its program, “has as its program the assuring of the entire unity of the state and its economic independence, by fighting against the Jewish element and calling to affairs the Polish intellectuals and capitalists. In foreign policy it lays down the fundamental principle that Germany is Poland’s most dangerous enemy. In consequence, the League desires good relations with the allied countries, and particularly the alliance with France, as the indispensable pivot of Polish policy and looks to a closer rapprochement with the Little Entente. Finally, it believes that Poland ought to prepare the bases of policy of accord with the Russia of tomorrow.” It was this avowedly conservative, influential, clerical and landed coalition that set out for the conquest of political power, united in the face of the scattering and divided parties of the Center and the Left. The only other electoral combination that developed a high degree of cohesion was the national minority bloc, principally engineered by Germans, whose organizing ability procured for the bloc a remarkable electoral victory in spite of the defections of a few minor Jewish, Ruthenian and White Russian groups.

The Center and Left parties exhibited a deplorable confusion

Not only were the Populists and Socialists at outs, but factions in each fought their comrades with uncontrollable passion, imprecation and invective. Under the circumstances, their bickerings in the face of a united conservative bloc were destined to accentuate the current of public opinion which was already running heavily toward the conservative ranks. The docility and weakness of the administration, the radical character of legislation, the arbitrary interference of Pilsudski in the internal affairs of the diet with the support of the Left parties all militated, in the eyes of the conservatives, to discredit the existing government and lower Poland's prestige abroad. While not wholly true, these criticisms were not entirely ill-founded. The Center parties were hopelessly confused, had no program, and were discredited for their former connection with activist circles during the World War and their anti-clericalism. They were reproached with being friendly to an economic rapprochement between Poland and Germany and overzealous in radical legislation.

The Left parties, momentarily forming a bloc in June, 1922, each reserved so wide a degree of autonomy as practically to shatter its solidarity. The Polish Populist Party, or "Piast" group, led by Vincent Witos, was numerically the strongest in the constituent diet but weakened by its incessant opportunism and outstanding only for its unremitting advocacy of agrarian reform. The Radical Populists, or Party of Liberation, under Stanislas Thugutt was the real representative of the peasant classes and put up a spirited campaign. It contrasted strongly with the Witos group in its demand for the integral application of the agrarian reform laws without thought of compensation to the landowners, and in its outspoken attitude toward the national minorities whom it sponsored with a hardy liberalism. Finally the Polish Socialist Party, purged of a communist element, advocated a program of socialization of factories, mines, and ways of communication and the creation of a state monopoly on prime necessities. Its constitutional, as contrasted with its economic, program looked to the separation of church and state—for which it had pled in vain in the constituent diet—the abolition of a permanent army, the abolition of the Senate

and the creation in its stead of a "Chamber of Labor." Such were the main party groupings which participated in the national elections.

TABLE ILLUSTRATING RESULTS OF THE NATIONAL ELECTIONS OF 1922 IN POLAND

<i>Parties</i>	<i>Vote for Sejm</i>	<i>Seats in Sejm</i>	<i>Seats in Senate</i>
RIGHT:			
Christian League of National Union	2,551,000 (29.1%)	163	49
CENTER:			
Polish Center	260,000 (3.0%)	6	..
Bourgeois Party	30,000 (0.3%)	..	..
National Union of the State	38,000 (0.4%)	..	..
LEFT:			
Polish Populist Party	1,150,000 (13.1%)	70	17
Party of Liberation	963,000 (11.0%)	49	8
Okon Peasant Party	116,000 (1.3%)	4	..
National Workers' Union ..	474,000 (5.4%)	18	2
Left Polish Populist Party.	59,000 (0.7%)	1	..
Polish Socialist Party	906,000 (10.3%)	41	7
Communist Party	121,000 (1.4%)	2	..
MINORITIES:			
Bloc of National Minorities	1,401,000 (16.0%)	65	26
Galician Zionists	177,000 (2.0%)	15	..
Jewish Populists	50,000 (0.6%)	1	..
Zionists (Western Galicia)	81,000 (0.9%)	2	..
Ukrainian Peasants .....	..	5	..
Border Union	48,000 (0.6%)	1	..
Scattering	206,000 (2.3%)	..	2

Figures compiled from the *Bulletin Periodique de la Presse Polonaise*, No. 125, pp. 1-2, December 12, 1922.

The results of the vote were illuminating. The superior power of organization of the Right and minority groups gave to these a substantial increase in representation, the minorities quintupling the meager representation they had been allowed in the constituent diet. The losses came principally to the parties that had temporized or pursued an opportunist policy, though the Left, as a whole, was forced to pay the bill for Pilsudski's rashness and its continued refusals to cooperate, which had made non-parliamentary ministries a necessity. But the most disappointing thing from the nationalist standpoint was the increased minority representation. Whatever Polish diplomats might proclaim about the undying fealty and inseparable connection be-

tween Poland and her eastern provinces, the elections laid bare the fact that in the Galician and Volhynian regions the Polish population was distinctly weak and the combined racial minorities easily victorious. Not even the apathy of the peasantry and the fervor of the Polish minority at electioneering could counter-balance this reality. Whatever else the eastern confines might be, they were not Polish by either racial inheritance or sympathy.

Apart from this wholesome disillusionment concerning the character of the eastern regions, the chief significance of the election lay in the undoubted predominance which it gave to the conservative groups. This was in conformity with the contemporary trend in the same direction in Italy, Germany and England.⁴ "This evolution toward the Right," remarked the *Rzeczpospolita*, "has produced itself among us at the same time as in Western Europe. Thus the results appear to us to be durable, for we will be able to follow the current of resistance to anarchy without allowing ourselves to be intimidated by the criticisms directed against us." It was clear that a strong reaction in governmental policy was in the offing.

Within a fortnight of the elections the old diet terminated its work and made way for the new. On November 28, 1922, Pilsudski formally convoked the new Sejm and Senate and preparation was made for the constitutional election of a president. It was generally recognized that not only the prevailing trend of public opinion but also the constitutional crisis of June, 1922, had eliminated Pilsudski from consideration. The national assembly therefore faced four outstanding candidates: Daszynski, put forward by the Socialists; Narutowicz, nominated by the Radical Populists; Wojciechowski, the choice of the Witos group; and Count Maurice Zamoyski, the Polish minister at Paris, selected by the nationalist bloc. From these the assembly finally selected Narutowicz as the most non-partizan personality and the one best fitted for an impartial presidential position. He was chosen by a narrow margin over Count Zamoyski, much

⁴ It will be recalled that Mussolini, Cuno and Bonar Law were contemporaries, representing respectively militant Fascism, Big Business and blunt Toryism.

to the discomfiture of the nationalist bloc. But scarcely had Narutowicz been inaugurated, amid scenes of unusual disorder in Warsaw, when he was assassinated in cold blood by a reactionary young artist, who openly avowed his premeditation of the crime.

The tragedy brought Poland to her senses, galvanized the nation into a defence of law and order, and quickly terminated the life of the Nowak cabinet. On the evening following the assassination, General Sikorski, preeminently a man of action, formed a new cabinet, made Pilsudski chief of staff, proclaimed exceptional law, besought the populace in a strongly worded proclamation to rally to the defence of legal order and internal and national peace, and brought about the arrest of anarchist leaders and ex-legionaries suspected of conniving at a general upheaval. The country was at least assured order while it took time to measure its responsibilities and select another executive. On December 20, 1922, the national assembly met once more and promptly elected Stanislas Wojciechowski⁵ president. The new chief executive, realizing the solemnity of the hour, took the oath the same night and quietly assumed his duties, issuing an appeal to the nation for calm, order and cooperation which produced an excellent effect.

FOREIGN AND DOMESTIC POLITICS, 1923

The Sikorski cabinet, though a cabinet of law and order, was no more a parliamentary body than its three predecessors. The Right parties, feeling numerically the strongest, wished to return to normal parliamentary methods, but were not sure of a

⁵ Stanislas Wojciechowski was born in Kalicz in 1864 and early became an adherent to the Polish socialist movement. After 1906 he devoted his principal attention to the organization of the cooperative movement in Poland. During the World War he worked at Petrograd in unison with the Polish National Committee and cooperated with the Congress of Polish Parties, of which he eventually became president. Joining the Populist Party after the liberation of Poland, he became minister of the interior in the Paderewski cabinet and remained in that capacity in the Skulski cabinet. On the fall of the Skulski cabinet in 1920 he retired to private life, holding a chair in the Commerce High School of Warsaw and lecturing there on his favorite theme, that of agricultural cooperation.

substantial majority. Sikorski remained in power because no other combination was for the moment possible. At the beginning of 1923 Sikorski came before the Sejm with a comprehensive program for imperative reforms. Foremost among these were those in relation to the country's finances. The stormy interval between the Michalski reforms and the advent of Sikorski had not witnessed much progress in budget making or contributed towards financial reconstruction. With the French occupation of the Ruhr and the subsequent rapid decline of the German mark, the Polish currency reacted similarly in the world's markets and a stabilization of the currency became a pressing question.

To cope with this problem Sikorski summoned Ladislas Grabski to the portfolio of finances. Here, in the ensuing months, were laid the foundations of the broad, comprehensive scheme whereby Grabski was later to rehabilitate the badly shattered financial system. Although the proposals laid before the Sejm by Grabski were intrinsically worthy, that body was reluctant to give them support. For this reason it was impossible for Grabski, while in a subordinate position, to carry out the reforms that were absolutely imperative—the cessation of inflation, the restriction of expenditure, the floating of a foreign loan and the return to the gold standard. Not until the Sejm and the country were driven to the necessity of deflation by sheer economic pressure were the reforms possible. Meanwhile Sikorski endeavored to conciliate the population of the eastern confines, to spur on the arduous work of codification of the legal system, to alleviate the high cost of living, bring down the price of coal and integrate Upper Silesia into the economic system of the country. In these he was measurably successful, considering the adverse circumstances with which he had to deal.

In foreign policy the Sikorski cabinet returned, under the leadership of Count Alexander Skrzynski, to a broadly pacific policy not unlike that initiated by Skirmunt. During this ministry the liquidation of the neutral zone between Lithuania and Poland, to the territorial advantage of the former and the strategic benefit of the latter, terminated for the moment one of the phases of the Polish-Lithuanian controversy. However,

the Lithuanian irruption into Memel and the ultimate disposition of the city to Lithuania created another sore point which greatly vexed the diplomacy of Warsaw. In view of Pilsudski's brazen avowal a year before of the nobility of Zeligowski's raid on Vilnius, Count Skrzynski could hardly plead that the Memel adventure was notoriously wicked. The chief event in Skrzynski's tenure at the foreign office was the final recognition by the Conference of Ambassadors on March 15, 1923, of the eastern frontiers of Poland, thereby settling the last of her frontiers with at least the show of finality. For Sikorski it was a signal triumph, on a par with the Treaty of Riga and the partitioning of Silesia. Certainly it marked politically the end of a policy of federalism which would attach the eastern confines but loosely to Poland, and was recognized as the triumph of a policy of incorporation. The way was now clear for a strong foreign policy and a vigorous attitude towards the national minorities, one in keeping with the policy of the Right.

The Right parties were not long in claiming this advantage. So soon as a workable political combination could be compassed, Sikorski's fall was certain. Therefore, biding its time, the Christian League of National Union, on April 26, 1923, entered into a pact with the Polish Populist Party to create a political majority. The price which Witos and the Populists paid for the responsibilities and advantages of power was the sacrifice of the agrarian reforms to the interests of the landed proprietors, who were bent on entire compensation, even at the expense of the impoverished state. Had Sikorski endeavored to consolidate the Left parties following the parliamentary elections his tenure in office might have been prolonged; as it was, the Right was anxious to obtain a national parliamentary majority and to return to an ordinary parliamentary life. Sikorski surrendered office on May 26, 1923, and was immediately succeeded by Witos, with Maryan Seyda, a strong nationalist conservative, at the foreign office. Ladislas Grabski was retained as finance minister and endeavored to obtain support for his financial reforms from this new grouping, but was presently forced out of office through the niggardly response of his colleagues and the Sejm.

The path of Witos and the Right-Center coalition was not

easy, particularly in a time of acute financial depression. Witos announced a program of conciliation towards the national minorities, of strengthened friendship for the allied governments, and of rational relationships with the defeated Powers. The maintenance of the Rumanian alliance, the coordination of Polish with Yugoslav and Czechoslovak interests, neighborly but "unflinching" relations with Germany—these were the cardinal objectives of his foreign policy and that of Seyda. On the other hand, a truculent attitude towards Russia, Danzig and Lithuania was evidenced, and Seyda's studied neglect to attend the July Baltic conference at Riga, together with the contempt of the conservative parties for the Baltic states, tended to militate against harmonious relations with important neighbors. Poland's interests, however, were felt to lie to the south and east, not to the north. In consequence Poland sent her observer to the meeting of the Little Entente at Sinaia, and negotiated at Lausanne an independent settlement with Turkey which assured Poland privileges equal to those granted to the Great Powers, while acknowledging Turkey as an equal in every sense. Meanwhile a new and fruitful cooperation between Poland and Austria was evidenced by Seipel's visit to Warsaw.

For reasons of partizan advantage, and also in view of impending commercial negotiations with Russia, Witos determined, at the beginning of November, 1923, to confide the foreign office portfolio to Dmowski. It was important, too, at a time when the revision of the economic settlement at Versailles was about to be undertaken, to intrust the delicate negotiations to the man who had originally presented Poland's cause at the Paris peace conference. It was impossible for Poland, despite the French alliance, blindly to continue to support France's policy of adventure in the Ruhr. These were the important problems confronting Dmowski on his return to power.

In domestic affairs Witos' finance ministers, successively unable to cope with the financial ruin of the Polish mark, were discarded. Finally Mr. Hilton Young, a financial adviser to the British treasury, was imported to help in the plans for reconstruction, while Kucharski, the last of those whom Witos called

upon in the financial crisis, went to Geneva, Paris and London on a mission much like that of Seipel and Bethlen when they were respectively seeking financial aid for the rehabilitation of Austria and Hungary. But the exigencies of party politics and the temperamental character of the Sejm did not permit the economies which Young's program called for, and he returned to England without achieving any concrete results. It was only when Ladislas Grabski came to the fore on the collapse of the Witos cabinet that a program of financial reconstruction could really be inaugurated.

The cause of Witos' fall was his agrarian policy. The agreement made with the Right parties to subordinate this issue led to the delaying of any concrete scheme of partitioning estates. This provoked one disaffection after another in the ranks of the moderate Populists, and they progressively left Witos to rally around Thugutt and the Party of Liberation which insisted on immediate reform. Witos' final partitioning bill, in which estates as large as 2,800 acres (1,120 hectares) were to go unscathed and escape partition altogether, was so gross a perversion of the original measure that the Radical Populists, on whose support Witos had counted, recoiled and voted against the measure, holding that to pass the bill would have been tantamount to burying agrarian reform altogether. For Witos this was the end, and the fall of the Populist leader was rightly characterized by the Socialists as having been due to his collaboration with the reactionary coalition of the great landed proprietors, capitalists and rich peasants against the working classes. That reactionary coalition succeeded for almost another quadrennium in postponing effective agrarian reform.

POLAND'S FINANCIAL RECONSTRUCTION

Grabski now came forward and assumed both the premiership and the ministry of finance, bluntly stating his program to be one of increased taxation, reduced expenditure, stopping of the printing presses and the freeing of finances from any parliamentary control. On this basis Grabski laid before the Sejm

a bill giving to the president of the republic full powers, up to December 31, 1924, to issue ordinances having the force of law in regard to the financial reconstruction of Poland. This was promptly criticized by the Socialists as a gross violation of the constitution. To avoid this charge Grabski summoned a commission of jurists to determine whether such full powers could be delegated by the Sejm to the President without violating the constitution.

On the advice of the commission, the law was changed to one "On the reform of the public treasury and the currency." As finally passed at the beginning of 1924, the law prescribed the limits of such delegated legislative powers and modified the methods of paying taxes, issuing customs regulations, and decreeing other economic measures; it provided for the devolution of many state services to local and communal authorities, thereby greatly decentralizing the administration and passing on to the local units much of what had previously been national financial expenditure. Further articles scheduled the types of guarantees for loans, etc. To carry out these provisions, ordinances signed by the president of the republic and the entire cabinet would have the force of law. The balancing of the budget must, however, precede the reform of the currency.

Thus armed and equipped for the gigantic task of reconstruction, Grabski set about creating the *Bank Polski* as an exclusive bank of issue founded by popular subscription to non-transferable shares. The bank was to be in private hands, and the government was to furnish 25 per cent. of the capital. The currency issues were to be covered by 30 per cent. gold and foreign securities. To guard against inflation the state treasury was prohibited from borrowing from the bank, while the bank's reserves could be replaced only by state bonds under proper guarantees.

On April 1, 1924, the *Bank Polski* was opened with its capital oversubscribed, so that the government reduced its share in its capital to 10 per cent. of the whole. At the same time the *zloty* was adopted as the metallic monetary unit and the rate of exchange fixed at 1 zloty for 1,800,000 Polish marks. Only a limited time was allowed for conversion, after which the marks

were outlawed. Thus by June, when Grabski came back to the Sejm for the renewal of his full powers, the budget had been balanced, Polish securities stabilized and the gold reserves were continually growing. From its inception till July, 1925, the zloty kept its parity with the Swiss franc. Tax returns were distinctly satisfactory once that stabilization had been brought about, and the pledging of the tobacco monopoly to a consortium of Italian bankers in return for a loan of 100,000,000 lira in gold proved of immense value to the reconstruction program.

In reply to the request for the renewal of full powers, the Sejm, on July 17, gave Grabski an even greater lease of authority, and authorized, among other things, the establishment of an alcohol monopoly wherewith to add to the revenues of the state. The financial reconstruction program was completed early in 1925 by the floating of a \$50,000,000 loan in the United States, though Grabski's "full powers," as such, lapsed at the end of 1924. However, notwithstanding the premier's well-intentioned efforts, the initial results of the financial reconstruction measures were largely vitiated by the Polish-German tariff war of 1925 which rapidly brought about a sharp fall in the value of the zloty. The continuance of the crisis was due principally to the unwillingness of the government to lower its laboriously accumulated metallic reserve—a position which soon sharply curtailed Polish credit. The suicidal tariff war ultimately resulted, in November, 1925, in the resignation of Grabski, who bequeathed a painful financial legacy to the Skrzynski, Witos, and Bartel cabinets which had to be carried until a budgetary balance was once more reached on July 1, 1926. In retrospect it is worthy of note that financial reconstruction was finally accomplished only by taking the matter out of the hands of the Sejm. It will require a long period to complete the reform and to render the Polish monetary and financial system immune to the assaults or eccentricities of the Sejm. The experience of subsequent ministries has amply demonstrated that the virtues of a full-fledged parliamentary system are not always an unmixed blessing, particularly in a new country which has not learned through experience the value of financial self-discipline and self-restraint.

POLAND AND THE NATIONAL MINORITIES

The second main problem confronting the Grabski ministry was that of reconciling the various minorities to Polish rule. By the beginning of 1924 the conditions in the eastern provinces had become particularly appalling, due to the long neglect of the populations and the lack of policy in regard to the border regions. Promises to the inhabitants of non-Polish nationality had been made again and again only to be repeatedly broken. The lack of consistent administration, the unwillingness of the Polish government to recognize that these regions were not predominantly Polish, the endeavor to colonize the Polish soldiery on the expropriated lands in preference to the local peasantry, the flooding of the region with new, inexperienced, and inefficient administrators, all bore witness to the crude methods of enforced polonization of the eastern provinces. By comparison the peasantry of the regions looked back to the period of Czarist rule and of Stolypin's land reforms as happy days.

Uprisings, banditry, disorder, the burning of châteaux and the destruction of forests, and military repression were the logical consequences of Poland's policy of denationalization. When, finally, in the spring of 1924, a number of the Polish frontier guards deserted their posts and went over to the Bolsheviks, the matter became critical and Grabski summoned a group of experts to undertake the necessary preliminary enquiries as to the general aspects of the problem. Despite the effort of the conservative press to deny the separate nationality of the Ukrainian and White Russian peoples, the *Kurjer Warszawski* voiced the general opinion that "one must admit with grief, but in all frankness, that the Polish régime in the eastern provinces has resulted at the end of a few years in the annihilation of our prestige." "The absence of all determined policy," wrote a Galician journal, "has had on our borderlands fatal consequences which Russian diplomacy and all our enemies are masterfully exploiting." In socialist eyes the government's policy in the eastern provinces appeared as brutal as that of Bismarck towards the Prussian Poles and as repressive as that of Stolypin towards Russians generally. Thus Poland was

accused of cynically disregarding her international engagements. This raised the pivotal question of the Minority Guarantees Treaty which Dmowski and Paderewski had so reluctantly signed at Versailles. Not only had little or no enforcement legislation been passed, but there was widespread agitation for the denunciation of the treaty on the ground that the United States had not ratified it and that therefore it was not binding on Poland. Others argued that, on general principles and in view of her status as a sovereign state, Poland should, if hampered by the instrument, denounce the treaty.

Grabski was faced, therefore, not only by a deplorable condition of fact but by a manifest contravention of Poland's solemn international obligations. In addition, both Germany and Soviet Russia raised simultaneously the question of the status of their respective national minorities which had come under Polish rule, asking that they be accorded more equitable treatment. To the German plea the Polish foreign office announced surprise that Germany should raise the question at all, and refused to discuss the matter or do anything. To the more serious intervention of Russia in the matter of national minorities, Poland was forced to give more definite attention. In a strong note on May 10, 1924, Chicherin called attention to the fact that the Polish authorities had attempted openly to claim that they were not bound, either by the constitution or by the Treaty of Riga, to give full rights—other than nominal equality—to non-Polish nationals of Poland. On behalf of the Union of Socialist Soviet Republics he complained of reckless acts towards the non-Polish minorities in regard to the distribution of land to the soldiery, as well as in relation to the schools and properties of the Orthodox Greek church, which were rapidly being turned over to the Roman Catholic church. He charged that illiteracy was being deliberately promoted by the closing of the Ukrainian and White Russian schools and the persecution of the Ukrainian and White Russian press. Russia based her claims on the Treaty of Riga, which provided for such guarantees to minorities.

In reply the Polish government declared that such a move on the part of Russia was an interference in Polish affairs which

Poland could not permit, and that Russia's own treatment of her national minorities precluded her making any justifiable protests. Not satisfied with this statement, the Russian commissary for foreign affairs reiterated authenticated charges on May 23, 1924, declaring that Poland was attempting to evade her obligations under the Treaty of Riga whereas Russia was not bound to accord reciprocal rights. This finally elicited a statement from the Polish government on May 27, 1924, that the rights of racial minorities flowed from internal legislation in each instance and not from treaty obligations. Here was a flagrant denial of both the Treaty of Riga and the Minority Guarantees Treaty and, as virtually no minority legislation had been passed, Poland laid bare the fact that the minorities actually had little protection. It was obviously incumbent on Grabski to enact such legislation if further protests were to be prevented—this time from the allied Powers.

The answer of the Grabski ministry came in the form of three statutes passed July 10, 1924, dealing respectively with the languages to be used in administrative establishments, in the courts and in the schools. While maintaining Polish as the state language, these permitted the parallel use of Lithuanian, White Russian and Ukrainian in the regions where such languages were spoken, and required administrative communications to be made both in Polish and in the language of the citizen concerned. The second law provided for similar arrangements in the courts. The third law made possible the opening of private schools in which instruction was to take place in the language desired, and provided that, at the request of the parents of 40 children in regions where a non-Polish minority amounting to 25 per cent. of the population existed, instruction might be conducted in Lithuanian, White Russian or Ukrainian, although in all instances Polish, Polish history and Polish geography should be taught, the last two always in the Polish language.

The subsequent nationality policy of Poland has not been an altogether successful one. The legislation enacted did not cover the German minorities, nor did it heed the claims of the Jews. So far as the legislation as such was concerned, its merit was unquestioned, but it required a change in administrative

policy to make the laws effective. To facilitate this, and also to assure a firmer support in the Sejm, the premier came to terms with Stanislas Thugutt and made him vice-premier in a reconstructed cabinet. Thugutt's advocacy of a liberal policy toward the disorganized, disoriented, but not disloyal, provinces gave promise of effecting a thoroughgoing change in the eastern confines. Simplification and codification of the laws, better policing of the regions, rapid extension of agrarian reforms—these he considered the best methods of dealing with the situation.

But Thugutt's position, without portfolio and without a direct control of the machinery of government, amounted to little; the ministry of the interior was recalcitrant and the conservative forces in the Sejm blocked the agrarian reform. Difficult to execute at any time, it was doubly so in a period of financial reconstruction. Early in 1925 Grabski created a special section on national minorities in the cabinet, made up of Thugutt and the ministers for foreign affairs, the interior, war, public instruction and worship, and justice and agrarian reform, but the personal differences of opinion of the ministers rendered harmonious cooperation impossible. Thugutt soon left the cabinet, charging that agrarian reform was being deliberately neglected and a reactionary policy was being pursued. The presence in the cabinet of Stanislas Grabski, brother of the premier and a pronounced advocate of the policy of the iron hand towards the eastern regions, seemed to give little hope of an enlightened policy of conciliation. But the prime minister, overruling the wishes of his brother, pushed through two far-reaching measures in June, 1925, rapidly extending the land reforms in the eastern districts and inaugurating a large number of schools for the national minorities.

In the wake of this legislation regarding the national minorities in the eastern provinces came an important settlement, frequently referred to as the "Declaration of Warsaw," negotiated with the Jewish groups by Stanislas Grabski—at the dictates of his brother, the prime minister—and Count Skrzynski. As a result of various conferences with the different representatives of Polish Jews an understanding was reached whereby the Jews formally recognized their duties to the republic and

took their stand upon a constitutional plane recognizing the permanence of the Polish state and the finality of her territorial boundaries, while reserving to themselves the right to act, on occasion, as a constitutional opposition group, and always to defend Jewish interests within the limits of the constitution. In return, Premier Grabski promised, on behalf of the government, to give greater attention to the needs of the Jewish population in educational and economic life. This promise crystallized shortly into a series of measures intended to give uniform legal status to the Jewish religious communities in all parts of Poland and to assure to the Jewish elements of the nation the same linguistic privileges as were accorded to the Ruthenes and White Russians. Finally, recognition of the various Jewish schools and provision for the observance by Jews of Jewish holidays in lieu of ordinary legal holidays completed the understandings.

This settlement, affecting the cultural and spiritual life of three million Polish citizens, was gloomily accepted by the conservative nationalist elements but welcomed by the Left parties as a gratifying evidence of the consolidation of Poland's internal structure. In the words of the *Kurjer Polski*, the agreement bespoke "the creation of an atmosphere of confidence and the elimination of mutual misgivings, in such manner that Polish opinion will cease to see in the Jews our natural enemies—a thing which harms us under all circumstances—and that the Jews will feel themselves to be citizens in a republic towards which their obligations are no less than those of Christians." The subsequent opportunist tactics of the Jews in the Sejm have clearly illustrated the value of the agreement and demonstrated its abiding significance in the reconstruction of the Polish state. It has meant the placing of the Jewish groups on firm ground politically and has undoubtedly redounded to the benefit of the nation.

AGRARIAN REFORM, 1925-1927

After coming to terms with the nationalities the Grabski ministry finally turned, late in the summer of 1925, to the problem of agrarian reform, which was so intimately bound up with

the placating of the national minorities and the unrest of the peasantry as a whole. It will be recalled that it was Grabski who had, at the height of the Russo-Polish war, combatted the appeal of Bolshevism to a landless peasantry by securing the enactment of a far-reaching agrarian reform bill which, however, was destined to remain a dead letter on the statute books on account of the unwillingness of the conservative parties in the Sejm to enact further measures for its execution. Thereafter land distribution had taken place only on a very small scale and largely in the interests of the soldiery, many loyal followers of Pilsudski and Zeligowski having been colonized for political purposes in the Vilnius region to insure its "unquestionably Polish" character. The efforts of Witos to enact a compromise agrarian bill to the liking of the old conservative magnates were destined, as has already been noted, to provoke the hostility of the Left parties and cause the rejection of the bill. Grabski therefore trod highly controversial ground in laying a new bill before the Sejm.

The bill, as introduced into the legislative body, provided for the partitioning of lands and compulsory purchase, by the ministry of agriculture, of certain landed properties. The maximum amounts of land to be left to any one individual were to be 60 hectares in industrial districts and suburban areas and 180 hectares elsewhere, while a reserve of some 550,000 hectares was to be set aside for agricultural experimentation, seed growing, and so forth. The bill contemplated a classification and appraisal of available lands and the annual parcellation of not less than 200,000 hectares. The legal details were lengthily elaborated, the essence of these being that land distribution was to be undertaken either by the state directly or through a state land bank, and that due compensation was to be made to the owners. In Grabski's opinion complete expropriation of large estates would destroy Polish credit and cause an economic upheaval. For this reason he opposed a more drastic measure on the ground of the paramount necessity of preserving the nation's financial integrity. The measure finally passed the Sejm after 603 amendments had been offered and many adopted. The effort of the Ukrainian representatives to thwart Polish coloni-

zation in historically Ukrainian lands proved futile, and, in the end, the bill was accepted by the vote of the Right and Center parties as against the Left groups. The Christian Nationalists opposed the bill as an entering wedge against the régime of private property; the Socialists, not having much at stake in an agrarian measure and believing it would eventually pacify peasant feeling, voted for the bill.

In the Senate the bill fared badly. The maximum areas utilizable by single individuals were considerably raised, particularly for the eastern provinces, where holdings of 300-400 hectares were authorized. While the bill was under consideration by the Senate a great congress of landlords met in Warsaw and, under the auspices of Prince Casimir Lubomirski, formerly minister to the United States, passed resolutions against all land reform. The results of their lobbying and influence in the upper chamber were particularly noticeable in the land exemption provisions and numerous restrictive and reactionary clauses. Under the bill as passed by the Senate, lands scheduled for parcellation but not actually distributed within a given year would not thereafter be subject to distribution; all forced partitioning was postponed until 1927; land alone was to be valued at a computable rate, while buildings and movable property were to be paid for at their "real" worth. In short, the effort made by the Senate was to complicate the reform as much as possible and to increase the profits accruing to the proprietors.

On the return of the amended bill, the Sejm accepted most of the Senate amendments and added new ones exempting forests and historic estates from compulsory partitioning and further taking the sting out of its provisions. As finally passed, December 28, 1925, the bill was, in the opinion of the Christian Nationalist press, "no longer contrary to the constitution or economic life." This tribute from the arch-representatives of a clerical, monarchist, feudal, land-holding aristocracy was indeed significant! The *Messenger Polonais*, representing the government's viewpoint, stressed the non-partizan character of the reform, its high humanitarian import and its value as a measure of national conservation. "The creation of a number of new

agricultural workings will be a work of justice which will not fail to produce the effect of reenforcing the economic social and moral armature of the country. And this benevolent and pacific evolution," it added, "will be accomplished under the auspices of the constitution and the law." It is clear that the bill marked an improvement upon the legislation of 1920 in technical provisions for the execution of the land reform, but the dominant incentive which forced the passage of the earlier law, namely the fear of an agrarian revolution which should nationalize and then distribute land outright in imitation of Russia, was strangely lacking in relation to the law of 1925. The Gordian knot that the commissaries in Russia cut by the sword of confiscation is in Poland to be untangled by degrees by a conservative bureaucracy, and the courts are to be open to the landowners to settle their grievances against the law. From such a scheme, particularly on account of its voluntary partitioning measures and its reluctance to apply the principle of expropriation save as a last resort, little more progress need be expected than under the old law; certainly the national minorities will hardly be the ones most favored by its application.

POLISH FOREIGN POLICY, 1924-1926

The last task which the Grabski cabinet approached during its tenure was that of securing a greater guarantee of Poland's frontiers, particularly as regards Germany. The intricate diplomatic negotiations which filled the year 1925 in the diplomacy of the western allies, particularly with reference to a Rhineland pact, were not without their counterparts in the diplomacy of Eastern Europe, and in the culminating stages of allied negotiation, at the now famous Locarno conference in October, 1925, the foreign minister of Poland participated. Here the diplomacy of Count Skrzynski was at its best and he succeeded in consummating for Poland a series of important agreements. Realizing the unwillingness of the major allied governments to negotiate in the east a mutual guarantee and security pact comparable to that framed for the Rhineland, and knowing the unwillingness of the German government to commit itself to

the finality of Germany's eastern boundary, Skrzynski was faced with considerable difficulty in procuring for Poland a secure position. By diligent manœuvering, however, and utilizing the precedents laid down by Beneš, the Czechoslovak foreign minister, in his negotiations with Berlin, Count Skrzynski was able to obtain an all-inclusive arbitration treaty between Germany and Poland, and a reinsurance of that treaty by one between Poland and France, thus precluding any resort to arms by Germany without a violation of her treaty with Poland. The moral support of France was of added value, and, in a sense, a pledge on the part of France that she would, as regards the other signatories of the Rhineland treaty concluded at Locarno, guarantee Poland's good behavior. The reinsurance treaty appeared such a good guarantee that the British government forthwith gave its approval to the Franco-Polish alliance, and the alliance treaty was registered with the League of Nations. Almost simultaneously, Skrzynski gave assurances to Russia of Poland's "unshakable will to peace."

Concurrently with the Locarno negotiations, Skrzynski authorized negotiations at Lugano with Lithuania on the question of navigation and timber rafting on the Nemunas (Niemen) River. This friendly gesture gave some promise of fruition but, owing to the insistence of the Polish delegates on discussing matters of railway traffic, not on the agenda of the conference, and thereby expanding its scope to include by implication transit traffic along the Polish-Lithuanian land frontier, negotiations were suspended and not resumed. Shortly thereafter Lithuania settled the navigation questions by unilateral ordinance, thereby escaping the onus of blocking traffic on the Nemunas, which would have been a violation of the Klaipeda (Memel) convention.

Through all these negotiations Poland's political position was appreciably strengthened, irrespective of her internal or financial condition. For Poland, despite the fact that it did not guarantee her a single frontier, the Locarno conference appeared to be the greatest diplomatic victory since her recognition. It was not without its sacrifices, as Poland was forced by Great Britain to come to a more amicable understanding with Germany in regard to the respective treatment of Polish and German nationals, and

later she was forced, by considerations of both domestic and foreign policy, to abate her tariff war with Germany.

After Locarno, domestic storms broke, sending Grabski to cover to escape from the accumulated torrent of parliamentary dissatisfaction with a non-parliamentary ministry. Grabski's place was taken by Skrzynski, who forthwith enlarged the coalition upon which he relied for support to include the representatives of the Socialist Party. The need of expanding the governmental coalition towards the Left was all the more obvious because of the insistence of Pilsudski on far-reaching changes in the military administration and because of the fears that a *coup d'état* might be effected by the marshal. But, for the moment, the danger passed and Skrzynski was able to take office with a group of expert leaders in an endeavor to salvage with a parliamentary ministry the net gains of Grabski's financial reconstruction measures. In the new cabinet the ministry of war was given to Zeligowski, notorious for his occupation of Vilnius in violation of the Agreement of Suvalkai in 1920. As one of Pilsudski's minions, Zeligowski could be intrusted by the field-marshal with the distribution of army patronage to the latter's liking. As finally formed, Skrzynski's cabinet included representatives of all the political parties in the Sejm except the racial minorities, the Radical Populists of the "Wyzwolenie," or Liberation, Party and the reactionary Christian Nationals, though the latter in practice accorded Skrzynski their support in the ensuing months, as did the Jewish Club.

Skrzynski's immediate aim was to continue his own foreign policy and see the Locarno settlement completed while making his coalition "a symbol of national union to combat the financial and economic crisis." In domestic politics, therefore, the financial program came first, though Skrzynski let it be known that other matters, such as labor and agrarian legislation, were not to be open to revision merely on the ground that financial emergencies existed. By virtue of stringent economy and the reduction of military expenditure permitted by the conclusion of the Locarno agreements, Zdzichowski, the new finance minister, brought about a balanced budget, while Skrzynski piloted the various treaties he had sponsored through the Sejm and the Senate.

CHAPTER XVII

THE PILSUDSKI RÉGIME

POLITICAL CROSS CURRENTS IN 1926: *Evidences of Political Unrest—Proposed Constitutional Reforms—Pivotal Issues—Militarism in Politics—The "Elimination" of Pilsudski—Hopelessness of the Left Parties. THE PILSUDSKI COUP OF MAY, 1926: Fall of Skrzynski—Attempts to Forestall a Coup—Third Witos Cabinet—Pilsudski's Occupation of Warsaw—Pilsudski's Avoidance of a Dictatorship—Bartel—Election of President Moszicki. CONSTITUTIONAL CONSEQUENCES: Bartel's Program of Constitutional Reform—The August Laws—The "Juridical Council of State"—Final Financial Reforms—Pilsudski as Premier—Neo-Monarchism—Foreign Affairs: (1) Poland and the League of Nations—(2) Poland and Germany—(3) Poland and Russia. POLAND AND THE PROBLEM OF SECURITY: Poland's Dilemma; Armament or Guarantees—The Policy of Adventure, 1918-1921—Regional Understandings 1921-1926—The Problem of a Security Pact—Negotiations with Russia—Poland's Western Frontiers—The Need of a Policy of Renunciation.*

POLITICAL CROSS CURRENTS IN 1926

WITH the beginning of 1926 distinct progress appeared to be under way in both diplomatic and financial policy, but numerous political currents, unnoticed in the greater excitement of Skrzynski's hours of diplomatic triumph, began to make themselves manifest from almost every quarter. A great deal of criticism was directed at the Sejm, the constitution, the unrepresentative character of both the legislative bodies, the cabinet and the presidency. The instability of party groups, the intrigues between the military hierarchy and the civil government, the ill-defined control by the president of the defence forces, the bold efforts of Pilsudski to intrude his personal views in the settlement of purely political disputes and, last of all, a growing group of monarchists gave evidence of the fact that whatever mandate the Sejm and the Senate once had was gone and that the legislative bodies were out of harmony with the country.

The most obvious evidence of unstable political equilibrium was the serious consideration given by different party congresses to proposed constitutional reforms. Little, if any, demand along these lines had arisen before 1926; now demands for new elections, for a revision of the electoral law, for the reduction by half of the size of the unwieldy Sejm, were put forward. At the same time, the Christian Nationalists, who had previously covered their chauvinistic conservatism by lip-service to the republic, came out openly for monarchy, and for a nation-wide electoral ticket system such as Mussolini gave to Italy. Other proposals of a constitutional or administrative character included a greater democratization of the local government system, a more liberal treatment of the national minorities, suppression of courts-martial and extraordinary tribunals, and the thoroughgoing introduction of the jury system.

Of all these suggested changes three assumed far-reaching importance: (1) the question of new elections and a new electoral law, (2) the question of the power to dissolve the Sejm and Senate, and (3) the question of the powers of the president as commander-in-chief of the defence forces. On the first point the Left parties were insistent, largely because they formed the only opposition groups, while the Right parties, sharing the responsibilities of power, were reluctant to change their privileged position. Though there was much discussion, nothing eventuated except drafts of new electoral laws.

On the second point the clash was much clearer: by the terms of the constitution, the president was not empowered to dissolve the Sejm without the consent of 3/5 of the Senate, while the Sejm and Senate could by their own resolution dissolve themselves. In the existing situation, both chambers had become manifestly unrepresentative. But they were unwilling to sign their own death warrants, and, by reason of the lack of a 3/5 senatorial majority favoring the Sejm's dissolution, the chief executive was estopped from any recourse to the people. On that account, various proposals were put forth seeking to endow the president with increased power over the fractious legislative bodies—proposals ranging from those for dissolution by ministerial or presidential decree to those endowing the president

with considerable independent authority and an extensive veto over all legislation. However, in view of the unwillingness of the Senate to support a presidential move for dissolution of the Sejm, a deadlock resulted between the executive and the legislature.

The third factor complicating the political situation was the perennial question of control of the defence forces and of the relation of the executive thereto. Here, under cover of a strictly constitutional question, the quarrel between Pilsudski and Sikorski—a quarrel originating in war-time experiences and accentuated by the latter's rôle in thwarting Pilsudski's attempted coup of 1922—smouldered. For four years the question of control of the army, of its introduction into politics by one side or the other, had vexed every cabinet.

Late in 1925, on the eve of the resignation of Grabski, Pilsudski stirred the embers by charges against the general staff, and the cudgels for the latter were taken up by General Szeptycki, the former governor-general of the Austrian-occupied regions during the war. A bitter pamphlet war followed which culminated on November 14, 1925,¹ in a formal demand of Pilsudski to the president for the elimination of politics from the army. This meant, in effect, the elimination of Sikorski from the ministry of war, which post he then occupied. Fears were current that Pilsudski would attempt a *coup d'état*, hence Count Skrzynski sought, in forming a new cabinet, to forestall a violent move by selecting a strong follower of Pilsudski for the war office. His choice fell, as already noted, on the notorious General Zeligowski, a close friend of Pilsudski and a man destined to rid the general staff and higher command of Pilsudski's enemies. Momentarily Pilsudski's ultimatum to the president had been successful; it had eliminated his military opponents from politics, though leaving the army more than ever embroiled in cabinet changes. Its constitutional consequences, however, were highly undesirable. In the words of a Galician daily, "the intervention of Marshal Pilsudski into political

¹ This date, it will be recalled, was the seventh anniversary of Pilsudski's arrival as "liberator" in Poland—and was deliberately chosen by the marshal for this theatrical gesture.

affairs, an effective intervention, as it forced the sacrifice of the remarkable personality of General Sikorski, who rendered such services as the organizer of the army, constitutes a redoubtable and anti-constitutional precedent and throws a dark and disagreeable shadow over the formation of the cabinet." Within a month the general staff had been thoroughly purged of anti-Pilsudskists, and demands arose from the Polish legionaries and from the Left parties in general for the return of the marshal to public life. This forced the cabinet to consider a special law on the reorganization of the high command, and brought up the question of Pilsudski's position as a concrete political issue.

At this point Pilsudski once more came forward and requested the president to appoint him inspector-general of the army by decree, without consultation of the cabinet, but the president refused. Thereupon the rôle of Pilsudski was left to be decided by the cabinet. Here the real alignment of political forces was revealed: the cabinet resolved to shelve Pilsudski permanently, through the intervention of the conservative elements and the Piast (Witos) group, thereby forcing Moraczewski, as a follower of Pilsudski and a Socialist, out of the cabinet. While Count Skrzynski's cabinet was ostensibly liberal, the incident served to show its really conservative, if not reactionary, character. By Easter Witos and Sikorski were publicly celebrating their victory in the elimination of Pilsudski. Then, and not before, did the cabinet reply to President Wojciechowski's demand for a legal definition of his military powers—a demand laid before them at the beginning of the year. Its reply was clear: the president could only act through the minister of war; this served to preclude all danger of a dictatorship, though not necessarily to eliminate the army from politics.

The revelation at the time of the shelving of Pilsudski that the Skrzynski cabinet was a constitutional sham, that it ignored the wishes of the Left parties represented in it and had really become "a central executive committee of the parties in power"—this was disappointing in the extreme to the parliamentary groups excluded from power. Through four years, from 1922 to 1926, the Seim had alternated between non-parliamentary

istries and those founded upon an alliance of the Center and the Right. Usually Witos had sold the support of his peasant (Piast) party for a price at the time of the formation of a new cabinet. Throughout, the Left parties had been ignored or poorly treated. The result was a continuous disintegration of the small groups on the moderate fringe and the increase of radically minded cliques. The Wyzwolenie, or Liberation, Party, drawing support from various peasant groups through 1923, found itself, in 1926, facing continuous secessions, as the land reform program of the successive governments had failed to accede to its radical agrarianism. One of the last secessions was that of a moderate group, headed by Stanislas Thugutt and Charles Bartel, who took the name of the Labor Club, with a moderate and constructive program. Under its leadership a peasant bloc was presently organized to give vent to the discontent of the various agrarian groups on the Left, particularly over the formation of an avowedly monarchist party on the Right, which did not scruple to suggest the dispersing of the Sejm. These, in general, were the party alignments on the eve of the great constitutional crisis of 1926.

THE PILSUDSKI COUP OF MAY, 1926

The foregoing explanation of the general dissatisfaction with the Sejm, the unrepresentative character of both executive and legislative branches of the government, the intrusion of the army into politics and the deadlock between a conservative government and the Left parties suffices to show the highly unsatisfactory condition of affairs at the beginning of May, 1926, when the Skrzynski cabinet resigned. During his premiership Skrzynski had accomplished measurable results in stopping the depreciation of the zloty, but he had not alleviated political tension; he had renewed the alliance with Rumania but had failed to accept the proffers of Russia for security understandings; he had validated the Locarno treaties only to nullify a large part of the "Locarno spirit" by importunate demands for a permanent seat for Poland on the Council of the League of Nations. The only permanent gains in foreign policy during his

premiership were the inclusive arbitration agreements with Austria and Czechoslovakia which Skrzynski personally negotiated at Vienna and Prague during April, 1926. On his return from this diplomatic tour, Skrzynski found his Socialist support gone, due to irreconcilable differences between the Right parties, who favored strict economy, and the Socialists, who, despite the tragic lessons of preceding years, once more propounded a policy of inflation. Skrzynski forthwith resigned April 21, 1926, but was persuaded to try to resume office with either a new non-parliamentary ministry of experts—an alternative which was shortly seen to be impossible—or with a coalition excluding the Socialists. The latter prospect appeared more feasible and, despite the effort of a Left bloc to persuade Wojciechowski to permit them to form a cabinet, Skrzynski continued for almost a fortnight longer with two technicians in place of his late Socialist colleagues.

During this critical fortnight, in which there was much talk of barricades and strikes and revolution, two important events occurred: (1) on the one hand, the Christian Democrats in the Sejm, realizing the grave situation, brought forward a draft amendment to Article 26 of the constitution which would have permitted the president of the republic to dissolve the Sejm by a message countersigned by the prime minister—a practice common to most parliamentary countries.² Had its passage been effected, a large part of the cumulative discontent of the nation might have been disposed of by a dissolution on the fall of the Skrzynski ministry, but the bill was not acted on. (2) On the other hand, a new bill on the status of the high command of the army was rapidly introduced and passed, making the "inspector-general" of the army commander-in-chief in time of war, subordinate to the minister of war, but his principal adviser in the conduct of military operations. In addition, the inspector-general was to give his opinion on all nominations for the higher posts in the army, and to consult the president in all matters relative to the organization of the armed forces. Naturally, every one thought of Pilsudski and the bill was framed with his status as inspector-general in mind.

² Cf. *New Governments of Central Europe*. pp. 46. 262 306 365

With the passage of the bill, the Skrzynski ministry gave up the ghost. Five days of intrigue and inter-party negotiation followed, during which all the party leaders tried their hand at cabinet making but without result. Finally Wojciechowski entrusted Witos with the formation of a cabinet and Witos quickly took over practically the entire personnel of the outgoing cabinet with the exception of Skrzynski and Zeligowski. To the ministry of war, Witos, the bitter personal enemy of Pilsudski, appointed General Malczewski, the commandant of the Warsaw army corps, and obviously friendly to the premier. This was the last straw for Pilsudski. Once before, when Witos had assumed the premiership, Pilsudski had resigned from the high command, preferring the seclusion of private life to association with men whom he regarded as cynical and dishonest politicians; here the issue was once more joined, and it was necessary for Pilsudski to accept passively a second elimination of himself and his following from office—or to resist. He chose the second alternative.

Witos had not been in office twenty-four hours when Pilsudski and his followers began a march on the capital in an attempt to force out the premier by means of an armed demonstration. But when Witos and Wojciechowski refused to submit, Pilsudski laid siege to Warsaw and made himself master of it in three days, forcing the resignation of both the president and prime minister as a result of his sudden coup. The episode involved needless bloodshed, but had a sobering effect on the country. Instead of meaning another cabinet crisis, it meant the election of a new president, serious consideration of constitutional amendments such as might avoid the recurrence of the previous conspiracies of the Right and Center party groups, and, lastly, the intrusting of the government to new men with clean hands, men from the Left parties, who could at least make an endeavor at a more honest administration of the state.

While there was much popular clamor for a dictatorship, Pilsudski did not then demand it, and declared he remained convinced that an energetic government could serve effectively within the bounds of the constitution, making a legalized dictatorship superfluous. Nevertheless, he believed the recurring

parliamentary crises to be due to the marked subordination of the executive to the legislative body, a subordination not required by the constitution but inherited from the practices of Wojciechowski. Such was the marshal's position, and he refused any extraordinary lease of power.

The result of the *coup* was to bring into office on May 15, 1926, a cabinet headed by Charles Bartel of the Labor Club, with August Zaleski, formerly minister to Rome, at the foreign office, and Piłsudski in charge of the ministry of national defence. The rest of the cabinet was made up of experts. It was confessedly transitional, as a presidential election was in the offing. Notwithstanding, Bartel set to work to liquidate the results of the coup, guarantee tranquillity and public order, and render possible a return to normalcy throughout the country. No change in foreign policy was involved, and the allied Powers and the United States promptly gave the new government recognition, thereby validating and accepting the change effected by the coup.

From the standpoint of the constitution, nothing was altered by Piłsudski's dramatic action, since the resignations of Witos and Wojciechowski went through constitutional channels, and the marshal of the Sejm, Maciej Rataj, kept the interim presidency until the new president was regularly elected. When the two chambers met as a national assembly on May 31, 1926, Piłsudski was elected to the presidency by a vote of 292 to 192 for Count Bninski, the candidate of the Right parties, a large landed proprietor, voyevod of Poznan, and an avowed monarchist. The communists, minority groups, and many of the Christian Democrats of Korfanty's faction refrained from voting. To the amazement of his supporters, however, Piłsudski refused to accept the presidency, alleging that the Polish presidency, with its aloofness from political affairs, was not suited to a man of his temperament.³ As a result, the assembly proceeded on the morrow to elect to the presidency Professor Ignace Moszicki,⁴ whom Piłsudski had suggested as being eminently

³ See Document 34.

⁴ Ignace Moszicki was born at Mierzanow, near Plock, in 1867, of a family of landed proprietors, his father having been a leader in the Polish

qualified for the position, and whose integrity of character and aloofness from politics were evident.

On June 4, 1926, Moszicki took office, appealing to the nation not to allow provincial, social or political differences to divide the populace, and pleading for a restoration of national unity. Such a plea was timely, as serious uprisings against the consequences of the *coup d'état* were threatened in Pomerania and Poznań, while peasant revolts broke out in Eastern Galicia. Furthermore, the Socialists, whose hero had refused office, were sulky, and did not wish to accept the new régime gracefully, as evidenced by their abstention from the inaugural ceremonies.

On June 9, 1926, Bartel appeared before the Sejm with a reconstructed cabinet formed by negotiations between Bartel, Moszicki and Pilsudski without consultation of parliament, and containing a large number of professors and technical experts. Modification of the constitution so as to extend the rights of the president of the republic, separate more carefully the executive and legislative departments, and alter the electoral law—such was the program of the new cabinet. Bartel also sought to obtain full powers, and then prorogue parliament for a year. As regards the national minorities, the government promised a radical change in the treatment of Ukrainians and White Russians, indicating its willingness to concede them an extensive autonomy, while revoking the last restrictions—survivals of the Czarist régime—against Jews. “The loyal application of the provisions of the constitution and of concluded treaties, the peaceful regulation of questions of legal nationality, the rapid carrying out of the agrarian reform and support of private measures of partition . . .” he declared, “are all problems which the government is going to take up in the interest of the national minorities.” It is noteworthy that Bartel was the first premier since

insurrection of 1863. After finishing his secondary education at Warsaw, he studied chemistry at the University of Riga. Forced by the Czarist authorities to leave Warsaw in 1892, he went to London, where he spent five years as an engineer. Made an assistant at the University of Friburg in Switzerland in 1897, he continued his study till 1912 when he was made professor of electrochemistry at the University of Lwow. After the allocation of Upper Silesia to Poland, he was placed in charge of the national azo-products factory at Chorzow where he remained till his election to the presidency.

Paderewski to take his stand on a loyal fulfilment of the Minority Guarantees Treaty. In order to rehabilitate the whole financial and economic system, Bartel summoned to his aid Professor Kemmerer, a noted American economist.

The program of prorogation of the Sejm, while probably sedative to the addled feelings of the country, provoked marked opposition. The Socialists insisted on dissolution, either by act of the Sejm itself or as a consequence of a constitutional revision empowering the president to act, and asked for new elections within six months. They further opposed granting the president the right of veto on legislation or the conceding of an extensive ordinance power.

The full-powers program, when elaborated by the cabinet, quickly simmered down to a proposal to reenact, almost without change, the full powers granted to Grabski, adding to them the powers to reconvert and fund various external and internal loans. In all these matters, the president was to be granted wide discretionary authority. In addition to such legislation, the cabinet proposed a constitutional amendment giving the president the right to dissolve the Sejm by decree and to issue decree-laws during the recess of the chambers. To safeguard against the abuse of this ordinance power—an abuse all too common under the old régime in Austria⁵—it was proposed to copy Czech practice and create a new Council of State, i.e., a permanent commission of the Sejm and Senate to approve of legislation while the houses were not in session. Finally, it was proposed that a special constitutional court be created, as in Austria and Czechoslovakia, to pass on the validity of the laws voted by the chambers and thus to insure the adherence of the government to the appropriate legal procedure.⁶

After prolonged discussions in which the varying viewpoints of the different party groups in both the Sejm and the Senate were elaborately set forth, the constitutional reforms eventuated, at the beginning of August, 1926, in two statutes, one amending the constitution in a number of details and the other elaborating the requisite ordinance powers given to the presi-

⁵ Cf. *New Governments of Central Europe*, p. 114.

⁶ *Ibid.*, pp. 178, 293, 305.

dent.⁷ The first law was primarily devoted to the strengthening of executive control over the budget—a thing imperatively demanded by Poland's unhappy financial experiences. It also provided for presidential authority to dissolve both the Sejm and the Senate with the consent of the cabinet and defined, within strict constitutional limits, the power of the president to issue ordinances having the force of law. The second law further elaborated, particularly as regards economic and financial questions, the ordinance power granted by the first.

Such was the extent of the reform program as finally enacted. At every stage it had been fought by the parties wishing to retain unlimited parliamentary control; it came about only under the pressure of sheer economic necessity and after a political upheaval had demonstrated the incapacity of parliament adequately to cope with the affairs of the nation. The time was ripe for more efficient control by a cabinet of technical experts such as had been called by the May *coup d'état* to redress the errors of their predecessors. With the enactment of the August laws power passed definitely from the parliament buildings to the Belvedere Palace, the executive mansion. The day of the diet was over; strong hands had come to the helm, then had acquired full constitutional authority.

One of the first steps taken by Moscicki under his new powers was to create a "Juridical Council of State"⁸ to study all draft bills and ordinances of the president as well as those referred to it by the cabinet. Actually the council, as created, was a federation of various technical commissions, some temporary and some permanent, intended to deal with matters of general administration, local government, public finance and civil and criminal law. Although far from being the permanent parliamentary commission desired by the Sejm, it marked a genuine step forward in the annals of Polish law-making and in the clearing up of the vast complex of variegated laws under which the country had been operating.

⁷ See Documents 35 and 36, *infra*.

⁸ By emphasizing the *juridical* character of the new body care was taken to avoid any possible confusion of the present body of legal experts with the "activist," pro-German Council of State of 1916-1918.

By further exercise of the ordinance power much was done in the remaining months of 1926 to improve Poland's economic position. The measures taken following the financial mission of Professor Kemmerer balanced the budget effectively, stabilized the currency and reorganized the *Bank Polski*, while markedly improving credit. The loss of full parliamentary powers was not, in the life of the nation, a sacrifice without manifold compensating advantages.

Within the normal field of parliamentary control the Sejm remained restive. Scarcely had it begun its fall session when it forced the resignation of Bartel by voting lack of confidence in two ministers. The effort of Moscicki to retain integrally a cabinet which held his confidence was futile; the Sejm and the Senate alike rejected the budget for purely tactical purposes. Under the circumstances only one practicable course was open to the Labor Club—to bring Pilsudski to the premiership. This it did and, on October 2, 1926, the hero of the May *coup* assumed personally the responsibilities of power. While retaining the major part of the Bartel cabinet, Pilsudski did not hesitate to seek the support of the extreme nationalist elements, going so far as to include two avowed monarchists in his cabinet. In so doing he produced a ministry openly characterized as the strongest in the history of the Republic.

Believing in strong government, Pilsudski did not scruple to force issues with the Sejm, threatening it with immediate dissolution should it not comply with his will. By taking such an attitude he lost, at least momentarily, the support of the Left parties, which bitterly accused him of becoming the tool of reactionary monarchists.⁹ Through the pursuit of such tactics Poland appeared, at the beginning of 1927, to be becoming stead-

⁹ While flirting openly with certain monarchist elements for the purpose of securing their parliamentary support, Pilsudski did not accede to the numerous suggestions that he personally assume the throne as Joseph I. Instead of accepting the position of titular monarch, which would be analogous in its powers to the presidency he had already refused, Pilsudski, preeminently a man of action, sought to concentrate in the hands of his cabinet the maximum of governmental authority possible, and to buttress himself in office by rallying the legionary and conservative mass of opinion around a program of activity closely parallel to that of Mussolini, for whom the marshal professed a profound admiration.

ily more conservative and to be consciously copying Fascist models in domestic policy, while actually travelling along the same course of law and order, economic reintegration and intense nationalism that characterized Germany at the time.

In foreign policy the fruits of the Pilsudski régime were not so gratifying. Zaleski, on taking office under Bartel, promised to continue the pacific foreign policy of Count Skrzynski, particularly as regards Germany, the Soviet Union and the Baltic countries. A policy of rapprochement with Germany inevitably involved a smoothing of the way for Germany's entrance into the League of Nations and, to facilitate this, Poland did not allow insistence on her own membership in the League Council to go so far as to become obstructive. In the end, by dint of much manœuvring, Zaleski succeeded in obtaining for Poland a semi-permanent seat on the Council and in helping consummate the election of two very friendly states—Czechoslovakia and Rumania—to temporary seats on the Council.¹⁰ Thus safeguarded for the time being, Poland could watch without apprehension the reentry of Germany on the European political stage. In direct economic negotiations with Germany, however, many of the difficulties inherited from the Polish-German tariff war of 1924 remained, and it proved impossible for Zaleski, in his first year of office, to make any appreciable progress in liquidating them. With Germany, then, there was continuous friction on matters of legal, military and economic importance, and relations were anything but cordial.

With Russia relations were somewhat better. The entry into office of Pilsudski—a man who had led the first daring raid into Russia on the outbreak of the World War, who had played an outstanding rôle in the Russo-Polish war of 1920—was not calculated to be reassuring to the soviet commissaries; nevertheless, the initial statements of Zaleski indicated that Poland was not seeking any new adventures in the east. Throughout his first year of office an outstanding problem was that of coming

¹⁰ An important achievement, in addition to securing a Council seat for Poland, was the negotiation at Geneva, with Rumanian and Czechoslovak benediction, of a comprehensive arbitration and conciliation treaty between Poland and Yugoslavia. This markedly strengthened relations between Poland and the Little Entente.

to terms with Russia in regard to a security pact—a matter bound up with the whole problem of Polish security.

POLAND AND THE PROBLEM OF SECURITY

The crucial problem of security presents for Poland many far-reaching aspects. Poland occupies not only a central strategic position in Europe, but a region of rich and largely undeveloped resources, while her frontiers, from a military standpoint, are largely indefensible. Only in the Carpathian ranges has Poland a naturally defensible frontier. Her boundaries with all her other neighbors are conventional, not strategic; delimited, but not defensible. In view of her geographical situation, Poland has been faced since the World War with the necessity of looking to either one of two methods for her national security. She might endeavor to follow a policy of extensive military preparation, only to find herself hopelessly outnumbered by her gigantic German and Russian neighbors, linked by the alliance consummated at Rapallo and even reinforced by the Russo-German compact of 1926; to fortify herself still further in this fashion, she might seek extensive military alliances as her principal security against the potential attacks of these powerful neighbors. On the other hand, she might reject the course of guaranteeing her military security by a policy of extensive armament and recur to a general arrangement for political guarantees.

The first course, that of extensive armament, was Poland's one thought after the close of the World War, and her raw levies and seasoned veterans, armed with the left-over stocks and impedimenta of the allied armies, led her into the fanciful rôle of the policeman of the Great Powers and into the adventurous folly of the Russo-Polish war. After the Treaty of Riga, however, Poland's chief interest centered on military alliances with France and with Rumania. In this way she sought to guarantee herself against Germany on the one hand and against Russia on the other. But both these policies demanded an extensive military establishment which Poland's exhausted financial condition could hardly bear. Only slowly did the country realize

the necessity of returning to a basis of political sanity and of repudiating a career of military adventure.

The policy of peaceful liquidation of frontier controversies and guarantees of non-aggression, begun by Skirmunt in collaboration with Beneš, has furnished the basis for a wider policy of understanding which Poland has found it advantageous to adopt. The political agreement with Rumania, originally negotiated in 1921 and renewed in 1926, as that concluded with Czechoslovakia in 1925, assured her security on her southern frontiers, and the understandings reached at the various Baltic conferences guaranteed her the cooperation and non-aggression of Latvia on the north. But her frontiers with Germany, with Russia and with Lithuania are far from secure. Those with Lithuania are not considered final by the Kaunas government, and the possibility of their revision is by no means excluded. Poland will never have security until the evil effects of the Zeligowski adventure at Vilnius are reversed by a policy of restitution which alone can bring about friendship with Lithuania. It is in the interests of Poland, of Lithuania and of the peace of Eastern Europe, as well as of Baltic cooperation, that such a policy should be inaugurated as speedily as possible.

A security pact with Russia is not beyond the realm of practical attainment. Such an agreement was offered by Russia on condition of technical disarmament at the Moscow conference in 1922, but was refused by Poland. The time was not propitious, and the attitude of both Poland and her allies—Rumania and France—was then intractable. After Locarno, and, in a sense, to counteract Locarno, the Soviet Union renewed its security proposals, only to have them rebuffed, despite the fact that in his initial statements to the Senate, Zaleski declared that a general security settlement in Eastern Europe would be of incontestible value and that Poland favored such a multi-lateral pact. However, he continued, the country's relations with Russia under the Peace of Riga were such, that there was no immediate necessity of negotiating, and Poland could afford to wait for joint negotiations with the Baltic states. Thus Poland dallied even when, early in September, the U.S.S.R. offered a draft non-aggression treaty similar to that proffered the other Baltic

states. After the signature of the Russo-Lithuanian pact whereby the legal status of the "Wilno" territory was called in question, the attitude of Poland gradually underwent a change. Although interested in new negotiations, Poland now saw that the possibility of joint action was gone, hence she confined her resentment over the second Treaty of Moscow¹¹ to a mere reiteration of the Polish view concerning the legal status of Vilnius. After the Latvian government, in turn, had signed the second Treaty of Riga,¹² the breach in the ranks of any potential Baltic bloc was obviously too great to be reparable, and Poland, by the early spring of 1927, had come to view more objectively the security proposals sponsored by Moscow. With economic conditions dictating a rapprochement with Russia, with millions of people in her eastern borderlands clamoring for real security and order, Poland could no longer afford to be indifferent.

Such was the situation when Moscow's proposals were brought by a Polish envoy to Warsaw, early in 1927, and seriously considered. While involving certain legal difficulties owing to the insistence of the Soviet Union on the inclusion of a neutrality clause deemed by some to be incompatible with Poland's obligations as a member of the League of Nations, the soviet proposals were distinctly generous, not demanding any territorial sacrifices, but accepting the territorial settlement laid down in the Peace of Riga as the point of departure for any security arrangement. This magnanimity on the part of the Kremlin was probably due more to a desire to come to terms with a world of stabilized capitalism in the West, for economic reasons, than to any other circumstance. Considerations of strategy loomed larger than those of self-determination, hence the Soviet Union did not seek to reopen the political settlement of 1921 as regards Galicia and White Russia.

With Germany the security situation is not so simple, nor is either side inclined to be generous. On Poland's western frontier no security pact seems likely to be achieved without a rectification of boundaries and no general system of security for

¹¹ September 27, 1926. Cf. pp. 401-402, *ante*.

¹² March 9, 1927. Cf. pp. 347-348, *ante*.

European peace can be complete, as the Locarno settlement clearly demonstrated, without a consideration of guarantees for Poland on the west. In the main Poland's western border is ethnically justified, however grievous to Germany the separation of East Prussia from the German mainland may seem. The corridor was carved on ethnographic principles, and is not, in itself, violative of the principle of nationality. Such, however, is not the case with the Danzig and Upper Silesian settlements and, if there is to be a permanent peace between Germany and Poland, no future security pact can afford to violate the principle of nationality in these regions. For this reason security arrangements, if ever consummated, must of necessity reopen the Danzig and Upper Silesian settlements. Such a reopening would, almost beyond question, redound to Germany's territorial advantage, but it is difficult to believe that Poland would lose seriously thereby. Assured by the corridor a free access to the sea, endowed with a genuinely Polish port on the Baltic at Gdynia, there would appear to be no reason for permanently subjecting Danzig to its anomalous status, as the fear of premeditated attack would, under a general security arrangement, tend to disappear. Similarly, with the gradual development of Polish industrial life, the perpetuation of the régime laid down by the settlement of 1921 in the interests of Poland's economic security would appear to be unnecessary.

In the final analysis, Polish security must rest, as it must for all participants in a guarantee pact, upon the moral capacity of the respective signatories for renunciation and accommodation. If Poland is to maintain her position as an independent state and achieve her rightful place in the European community of nations, she must permanently abandon the annexationist policies of the early days of her renaissance and come to an attitude of conciliation and accommodation on all fronts. Such policies and such readjustments must, of course, be reciprocal; they must not involve merely unilateral sacrifice, but they are fundamental, they are essential to general European well-being and, sooner or later, must come to fruition. And only on the achieving of these mutual guarantees of security will Poland have completed her reentry into the life of Europe and of the Society of Nations.

CHAPTER XVIII

BASIC TRENDS IN THE NEW EASTERN EUROPE

SIMILARITIES AND DIFFERENCES: The Need for Synthesis—Institutional Breakdown and Rebuilding—Influence of Western European Constitutions—Distrust of Executive Authority—The Re-creation of Strong Executives—Political Resemblances and Economic Contrasts—Differential Cultural Progress—Influence of Bourgeoisie and Peasantry—Conscious Creation of New Social Classes—Irenic Influence of Social Reforms. BALTIC CO-OPERATION: The Need of Continuous Contact—War-time Cooperation—Cooperation in Peace Negotiations—Post-war Conferences—The Making of Formal Contacts—Establishment of Permanent Cooperation—Why Baltic Union Failed—Arbitration in the Balticum—Minor and Tri-State Conferences—Significance of Regional Cooperation. THE PROBLEM OF BALTIC SECURITY: Conditioning Factors, Political, Naval and Strategic—Pivotal Rôle of the Balticum—The Legal Bases of Action—The Possibility of Alliances and Its Abandonment—The Impossibility of Union—The “Grand Design” of the Soviets—Lithuanian and Latvian Security Agreements—Their Significance to the Balticum—The Future of the Balticum.

SIMILARITIES AND DIFFERENCES

IN studying the dissolution of the Russian Empire and the rise of the new states on its western frontier we have pursued, in the foregoing pages, the method of isolated treatment, of unfolding the life of the new states as individuals, and treating the different internal and territorial problems as though they concerned each state alone. Vital and necessary as is this procedure in permitting the discovery of the constitutional and institutional foundations of the various states taken in turn, it becomes imperative in the end to treat of the common trends running throughout the Balticum, and to note the similarities and differences of development, in order adequately to understand the relative development of each country and the stages they have yet to traverse along the road to stability, prosperity and general security. The problem is in part one of comparison, in part one of synthesis; there are tangible bases of reference for

some matters, while, as regards others, one must discover from a maze of facts, often widely scattered, the common trends that lie deep and do not appear on the surface.

The first and basic problem in the political sphere for all the states has been the development of their own institutions. Here they have all borrowed largely and usually discriminatingly from foreign sources, endeavoring to be eclectic, choosing from the institutions of other states the principles most likely to accord with the social development and national psychology of the peoples concerned. With a varying legacy of institutions bequeathed from old régimes, with utterly non-parallel development of their own resources, due to the differential treatment received at the hands of fortune and the Czars, the individual Baltic states were faced by the stern necessity of clearing much legal debris and razing obsolete encumbrances before building up their new institutions. Much of this was done for them by war, by conquest and by revolution; the period of upheaval over, it was necessary to make large importations of institutions to fill the lacunæ in their natural endowment.

Instinctively, all the states concerned looked to Western Europe and America in search of constitutional models. Western Europe, the birthplace of both constitutional liberty and modern industrialization, had travelled in the paths of freedom for a century, as had America, but had made its adjustment to changed conditions of land tenure and economic organization relatively slowly. America, a virgin country, had been privileged to mold her institutions under influences far different from those of an Old World order, yet, while there was admiration of America and of the democratic institutions transplanted from Britain to the United States, the founders of the Baltic republics almost uniformly preferred, in the last analysis, to pattern on models closer home in building the legal foundations and the economic and political buttresses of their own households. Hence, with few and relatively rare exceptions, the border states turned to European sources exclusively for their timbers.

In thus borrowing from available and tested sources, the various states took much in common, so that the constitutional ex-

ternals have had close resemblances. The constitution of the Finnish Socialist Workmen's Republic and the Esthonian, Latvian and Lithuanian provisional constitutions all borrowed from French and Swiss experience and represented the spontaneous reactions of liberated peoples to a régime of unmitigated tyranny and capricious authority. Hence the overwhelming distrust of executive authority and the willingness to vest plenary power in legislatures and in ministries explicitly subservient to the legislative will. The impulsive reaction against strong executive authority, precisely because such authority had been abused by the Romanovs, led to the adoption of permanent constitutions, in all instances save that of Finland,¹ in which nominal executive power was extremely weak and the acting executive obsequiously deferential to the parliament. In fact, in Esthonia, the virtual abolition of any titular executive, by fusing such authority with the transitory prime ministership, illustrated how close to the destruction of centralized executive authority the pure democratic dogma could come.

The results of such spontaneous reactions against authority in an hour of liberation are of real interest and value to the student of government. With the possible exception of Esthonia,² the later trend has been entirely in the direction of reconcentrating authority, vigorous authority, in the hands of the chief executive. Momentarily, in individual states, this has come about by entrusting special powers for limited periods to the premier, but in Lithuania constitutional change in this direc-

¹ In Finland, after experience with executive authority vested in the Diet under the Independence Bill, came the Finnish "soviet" constitution, with practically no traces of communist doctrine and much adventitious American populism; then came the drastic White reaction and the dictatorships of Svinhufvud and Mannerheim. After such violent oscillations came the electoral college compromise which has thus far rather effectively stabilized executive power. The strengthening of presidential attributes in Finland therefore came only after dictatorships had shown the dangers of too tenuous executive authority.

² It will be recalled that after the Reval *Putsch* of December 1, 1924, the Esthonian government proclaimed martial law and the Jaakson cabinet embraced the entire parliament in its composition. Under such circumstances it was apparent that Jaakson possessed in fact distinctly extended and exceptional powers,

tion has been openly declared necessary³ and in Poland, after Pilsudski's *coup*,⁴ it has become a reality. It has, in the last analysis, been only as a result of experience that the new states have come to realize that strength in the executive arm is not synonymous with autocracy. Fortunately that lesson has been learned without much bloodshed, although the streets of Warsaw still remember the price paid for the change in the Most Serene Republic.

Other examples of common borrowings might be given to show the extent to which the border states turned westward for their institutions. Let it suffice to note here the heavy indebtedness of Esthonia, Latvia and Lithuania to Switzerland for the provisions with regard to the initiative and referendum, elections, local self-government and courts, and to Western Europe generally for the principles of land reform and ministerial responsibility. In addition, all the Baltic democracies borrowed heavily from the bills of rights of the constitutions of Western Europe, with their variant political philosophies, but either added important local conceptions with regard to agrarian reforms or toned down the traditional liberties to conform to prevailing canons of morality and religion. So much for similarities, although always with individual, nationalistically dictated variations. They are primarily political. The contrasts and differences lie in altogether another field—that of social and economic development. It is here, and in the realm of cultural progress, that the consequences of differential nationality policies of the Romanovs, Hohenzollerns and Habsburgs are most clearly seen.

No two of the Baltic countries started out with a common level of culture. Unquestionably Finland had been endowed by the longer period of Scandinavian influence with a higher

³ In his ministerial declaration of February 25, 1927, prime minister Voldemaras declared necessary "constitutional amendments involving the election of the president of the republic for seven years, by the general body of voters, instead of, as at present, by the Seimas for only three years, coincident with the term of the Seimas itself. . . . On the whole, the American model in this respect is to be followed." Cf. *Elta* Bulletin, No. 4, p. 6, March, 1927. This is a clear indication of the growing trend toward executive independence.

⁴ Cf. Documents 35 and 36 on Poland, pp. 796-800, *infra*.

standard of culture and education than any of the older possessions of the Czars. To this initial advantage the Finns added that obtained from their own linguistic renaissance, which anticipated that of the other countries by several decades. Esthonia and Latvia, for historic reasons also, had come under Scandinavian influence and cultural standards were higher there than in either Lithuania or Poland. Of all the Baltic democracies it was Lithuania which had suffered most in the struggle against linguistic denationalization and had the gravest difficulties in spreading her intellectual *risorgimento*. All told, the rate of cultural and general progress of the various countries was in a large sense predetermined by their previous cultural accumulations.

So too with their industrial development and its effect on social classes. Industrialization had come tardily into all the Balticum. By virtue of specialization according to economic resources, Finland had developed its timber traffic, its wood-working industries, Latvia her manufactures for the empire, centered at Riga, and Poland her mining and metallurgical industries. Esthonia and Lithuania, on the other hand, had been left largely rural and undeveloped. Thus in the latter countries the change from the older order of society to the new and industrialized nation had not taken place, and Esthonia and Lithuania were left to make their economic, social and political changes simultaneously. This fact was not without its influence on social classes. In Finland a large and respectable bourgeois class had come into being, to hold the social balance between landlordism on the one hand and the urban and rural proletariat on the other, and make possible gradual and systematic reform. In Esthonia, Lithuania and also Latvia, the bourgeois classes were almost entirely lacking; hence, when power fell from the hands of the barons and *chinovniks* into those of the local populace, only a peasant class was ready to assume power; hence the agrarian government, the agrarian reforms, and the relative disregard of the basic problems of industry. In all these cases the influence of a noble class was lacking; only in Warsaw and Galicia could the gentry make themselves heard. Poland is the only one of the Baltic countries in which there still exists a

large and powerful land-owning class or an aggressive group of conservative industrialists capable of influencing markedly the policies of the government.

As has been frequently stressed, the result of the Russian revolution and the war on the regions we have surveyed has not been wholly political. The changes have been social as well. The profoundly significant thing has been that the leaders of the national movement in the various countries have been imbued with a profound desire consciously to hasten the process of social adjustment and not only to select the proper political institutions, but also to raise up new social classes worthy of enfranchisement. The far-reaching agrarian reforms have not been undertaken purely from vindictive hatred of a class of magnates who had long since outlived their usefulness; they have been attempted in order that a new populace, free, self-made, self-reliant and self-supporting, may furnish the bone, the nerve and the sinew of the nation's life in each instance. Hence the legal stimulation of agriculture, of intensive farming, of co-operative societies and enterprises in the countryside; hence the building of light railways, elevators and storage plants. Thus the principal social effort of Baltic statesmen has been consciously to create and adapt new social classes to imported institutions rather than to mold political and social institutions around already existing classes. A purely static policy would have been impossible in the Balticum in a time of social flux; the policy actually chosen represents one of the most outstanding examples of rational social engineering in the history of modern Europe.⁵

Such policies have done much to create social peace within each of the Baltic democracies, although in varying degrees, Poland lagging somewhat behind. But the achievement of inde-

⁵ To a lesser extent and, of course, under different political forms, the social changes are going on in Russia. The newly landed classes, the new apprentice groups, the new entrepreneurs are coming irresistibly into existence in the soviet domain, although they do not move in the ambient of democratic ideas. It would be impossible to overlook the vast social changes that are transpiring along this line in Russia alone, but it is difficult to make any detailed comparison between Russia and the Baltic countries on account of the differences of their political systems and of their general economic régimes during the last decade.

pendence through self-determination and the deliberate creation of a new middle class through land reform have had more than the purely domestic effect of satisfying the principal political and economic wants of the populace; they have tended greatly to relieve international tension and to lessen the dangers of war in the Balticum. The creation of a larger internal market in each instance through intensified agricultural production—even if, for the moment, it has been accompanied by the high tariffs of acute protectionism—has inaugurated a new era of self-development and ended the long epoch of baronial avarice and imperial expansionism.⁶ This new influence has been felt in foreign policy in proportion as the reforms have become effective in the life of each nation.

BALTIC COOPERATION

That a pacific foreign policy stands as a logical consequence of the internal social adjustments in each state has become increasingly manifest in the relations of the various Baltic states to each other. It was not to be thought of that the border peoples who struggled for liberation in the Duma, rejoiced in

⁶ A critical analysis of this situation which, while applied primarily to the Soviet Union, has of necessity an equal bearing in the Balticum since the enactment of agrarian reform, has recently been made by an eminent authority on Russia, Mr. Michael Farbman. "In my view," he says, "the solution of the agrarian question and, as a consequence, the change in the state's attitude toward the development of the internal market, is the most essential and characteristic difference between pre-revolutionary and post-revolutionary Russia. The new status of the peasants, indeed, gives Russia for the first time in history a real opportunity for the development of the internal market. . . . The success of the agrarian revolution may fairly be said to have put an end to Russia's century-old policy of expansion; her insatiable appetite for new territory and new markets has now grown languid. Revolutionary Russia was the more easily able to relinquish imperialist dreams in Asia and to agree to the secession of the Baltic provinces just because the bottom had been knocked out of the policy of expansion. . . . It is safe to predict that the next stage in Russian history will be pacific and non-militarist. . . . A nation which has no desire or need to conquer new markets, and which is mainly concerned with the development of its internal resources, is predisposed to a pacific policy and is unlikely to engage in wars of expansion or aggression." "The Foreign Policy of the Union of Socialist Soviet Republics," in *The Problems of Peace* (London, 1927), pp. 197-199.

the gala days of the provisional government, and later suffered the rigors of civil war during the first orgy of militant communism, should go their ways separately after independence and establish no intimate contacts. In reality, the era of liberation opened to the whole Balticum an epoch of friendly cooperation which, as thus far realized, has been of far-reaching importance to the well-being of all the countries concerned. Although all had suffered in common under Czarism, they had been vouchsafed the opportunities of free economic contacts within the broad confines of the empire; it remained for the new republics to establish, following their liberation, the maximum economic cooperation compatible with their new position. Hence the need of periodic economic and political conferences, and of a large body of treaty law to untangle the legacy of war and revolution and reknit the economic bonds. From a practical standpoint, the political independence of the Baltic republics was conditioned upon free and systematic economic cooperation.

This need has been met, at least in part, by the series of Baltic conferences that have been held at frequent intervals ever since 1919. These came in the wake of the departure of the allies from Baltic territory. From armistice time in 1918 all through 1919 the Baltic countries furnished the ground on which the military action, not only of the local national governments but also of the major allied Powers, could proceed against Soviet Russia. During that year of active intervention the lot of the bourgeois elements in the border states was inevitably and inextricably bound up with the allied efforts to extirpate Bolshevism by military action and blockade, and therefore the Baltic governments cooperated with the allies. But with the failure of the last intervention in the Baltic, as witnessed in the collapse of Judenitch's foolhardy drive on Petrograd toward the end of the summer of 1919, the Baltic countries were left largely to their own devices, and the allies scuttled from the Balticum. In this emergency it was incumbent upon the border states to come to an understanding with one another, in order to cope more favorably with the soviet government in the making of peace.

Forthwith was inaugurated a policy of meeting in common

counsel in order more effectively to coordinate foreign policies, formulate programs of cooperative activity and clear up differences between the states which might become serious obstacles to mutual understanding. Although there had been numerous preliminary conversations between the Baltic delegations at the Paris conference, it was not until mid-September, 1919, that the prime ministers and foreign ministers of Finland, Esthonia, Latvia and Lithuania met at Reval under the auspices of the Esthonian government to consider the conclusion of a common peace with Russia. Here was convened a real Baltic conference of a general character.

Although the intractability of the soviet government and its unwillingness to negotiate a peace with the Baltic states jointly prevented the success of the conference on this point, it paved the way for a formal general conference at Helsingfors in January, 1920, out of which came a much more significant program. Here the five Baltic states, Finland, Esthonia, Latvia, Lithuania and Poland were all represented and, with a view to the resumption of normal relations with one another following peace with Russia, worked out a general basis for the coordination of their policy. There was considerable discussion of the neutralization of the Baltic Sea, but the final solution was postponed to a later date, and the less fanciful and more practicable problems of railway communications, general commercial intercourse and postal and telegraphic traffic between the several states were taken up.

The work thus begun at Helsingfors was continued in August, 1920, at Bulduri, on the outskirts of Riga, when Finland, Esthonia, Latvia, Poland and the Ukraine undertook a far-reaching program of rapprochement. This involved measures for coordinating banking and tariff policies and systems of weights and measures, regulating patents, transit traffic, fisheries, chambers of commerce and chambers of agriculture, and facilitating navigation and aviation. Agreements were reached for the protection of labor, exchange of documents and scientific information, and the protection of literary and artistic property, while draft projects of conventions to strengthen political relations between the states were elaborated. In addition several bi-lateral

commercial and legal treaties grew out of the conference. Here, clearly, was developing a full-fledged machinery of Baltic co-operation.

The failure of the Bulduri conference to provide for regular gatherings of the Baltic states led to the lapse of almost a year before another conference was held, again at Helsingfors. Its final protocol set forth the agreement of Finland, Esthonia, Latvia and Poland to exchange treaties with one another as well as all the relevant information concerning them, to aid in the combating of the famine in Russia, to speed up the drafting of commercial treaties and, finally, to hold periodic meetings of the ministers of foreign affairs of the various Baltic states.

The peak of cooperation between the four states (Lithuania being unable to bring herself to participate in a common political conference with Poland after the seizure of Vilnius) was reached at Warsaw in March, 1922, where an important political agreement was signed, amounting almost to an alliance between the four states—this on the very eve of the Genoa conference. Unfortunately Finland deemed the commitments there made too extensive⁷ and, by her non-ratification, sabotaged the whole plan. An enlarged gathering in which Russia participated took place a few days later to coordinate Baltic policy before meeting the Western Powers at Genoa. After the failure of the Genoa conference, it was obvious that little was to be gained from any plan calling for cooperation with the Western Powers, hence the

⁷Attention should be called to the peculiar situation of Finland. Her rôle in the life of the Balticum is a unique one, as her cultural affiliations incline her toward cooperation with the Scandinavian countries in matters of foreign policy while her frontiers with the Soviet Union—frontiers facing “unredeemed brethren” in Karelia—place her on a common plane with the other Baltic states. During the first few years of the republic these two rival urges, manifested in internal politics by alternating cabinets of a “Svecoman” or “Fennoman” orientation, proved disturbing to Finnish foreign policy, as each group in the Riksdag sought to commit the country to a policy exclusively Scandinavian or exclusively Baltic in its outlook. It required a period of experimentation—now happily over—to reveal to Finland the possibility of cooperation with both Scandinavia and the rest of the Balticum. By concluding comprehensive arbitral settlements with both, Finland has shown that the two inclinations are not mutually exclusive nor even antithetical, but that sound statesmanship will permit her to enjoy the benefits of common counsel and cooperation with both groups of her neighbors.

attention of Baltic diplomats turned once more to their own problems.

After a preliminary gathering of the four states at Reval in October, devoted to economic and labor questions, particularly as regards social legislation, attention was devoted to the problem of disarmament. Next, in December, 1922, came the disarmament conference at Moscow, whose failure was noted in our study of Polish diplomacy. By March, 1923, the time again seemed auspicious for a gathering of the Baltic states, once more at Helsingfors, to discuss economic questions and coordinate still further the commercial policies of the various states. Here Lithuania sent an observer, as political questions were pushed into the background.

In July, 1923, a significant conference of the four states was held at Riga to determine the policy of the Baltic states with regard to the League of Nations, to limit their naval forces to a purely defensive basis and to advocate the adoption of a general guarantee treaty such as was then being discussed in League circles. The final protocol recommended the adhesion of all the conferring powers to numerous international conventions. Following the fourth Assembly of the League of Nations, a conference was held in Warsaw in February, 1924, to consider a general arbitration treaty between the Baltic states. A year of careful planning followed, together with various conferences of technical experts, and in January, 1925, in the wake of the Geneva Protocol, a conference at Helsingfors drafted and signed a general arbitration and conciliation convention⁸ and reached a new general understanding on pending political questions. After five years' negotiations a general political pacification, a comprehensive legal and economic rapprochement, had been consummated.

There remained as an outstanding problem only the general attitude to be taken with regard to security pacts with Russia, and here the utility of a Baltic bloc was negligible in view of the unwillingness of Russia to negotiate with the states *en bloc*.

⁸ This barred, however, disputes arising from "domestic questions" (such as the application of the agrarian reform laws), or territorial disputes. The reason was obvious in the face of the Vilnius question.

Thus the only conference of importance in 1926 was one held in July in Reval (Tallinn) in an ineffectual endeavor to consolidate Baltic feeling and force Russia into accepting joint negotiations. While a Baltic phalanx proved impossible of achievement in the matter of security pacts, this limitation on the activity of the Baltic states as a unit has not meant that they have in any way lessened their cooperation *inter se*.

By comparison and contrast with the larger and more formal conferences of the four states, the conferences of a lesser number, most frequently on technical questions, have yielded even more tangible fruits. Such conferences, in which Esthonia, Latvia and Lithuania together have worked out solutions to their common problems or have cooperated with Germany or the Soviet Union, have been largely responsible for determining the régime of railways, waterways and ports, reestablishing consular and economic relations, and furnishing solutions for questions of press, propaganda and passports, tourist traffic and control of navigation in the Gulf of Finland. In addition there have been numerous informal conferences between the foreign ministers of two states, while at the gatherings of the League of Nations Baltic conferences have been continuous and informal, but distinctly effective.

What may be said to be the general result of the various Baltic conferences? In the first place, they have established means of permanent or frequently recurring contact between the various governments, within the limits permitted by the venomous atmosphere of the Polish-Lithuanian dispute over Vilnius.⁹

⁹ It should be noted that Lithuania has not hesitated to settle frontier disputes by the principle of arbitration. This was illustrated through the settlement of her frontier with Latvia. Lithuania considers, however, that any arbitration of the Vilnius controversy would be tantamount to accepting initially the state of affairs created by Zeligowski's *coup*, and would lead nowhere; furthermore, Poland, being in *de facto* possession of acknowledged Lithuanian territory, is most unwilling to discuss arbitration. Obviously no political security arrangements for either Lithuania or Poland are possible so long as these frontiers remain undefined or are under litigation. Esthonia, Latvia and Poland have depended for the security of their eastern frontiers upon their treaties with Russia, and it is hard to see why Lithuania, despite the fact that her frontier is not actually contiguous to that of Russia, should not do the same. This she appears to have attempted by the second Treaty of Moscow. Unless the juridical validity of her title to the frontiers defined by her original

In so far as technically possible, they have yielded satisfactory results along economic and non-political lines, or within those spheres of policy which had little consequence outside the Balticum. Beyond that they could not go, or, to put it more accurately, they have not gone. The attempts to form a Baltic union at a time too near the days of the allied interventions was bound to lead to opposition from Russia, and, while no security arrangements existed to prevent their being made bases of operations against Russia, opposition from the Soviet Union was definitely to be expected. Whether such a situation will continue in the event of a series of separate security settlements with Russia remains problematic. Meanwhile, an effective appraisal of the activity of Baltic conferences may be found in the words of Zigfrid Meierovics, who was, during his lifetime, the moving spirit in the Baltic conference movement:

The external manifestation of the striving to rapprochement among us takes the form of conferences of our ministers for foreign affairs, coordinating political and economic relations; but it should not be assumed that they have as a direct object the realization of a definite alliance. We uphold the idea of such regular periodic conferences of the three states (Esthonia, Latvia and Lithuania) as also of the four states (Finland, Esthonia, Latvia and Poland). If there have been more of the latter conferences than of the former, the depth of rapprochement of the participants should not be gauged by their number.

Finally, a Polish estimate of the rôle played by the Baltic conferences candidly declares:

The periodic Baltic conferences are very useful in that they contribute greatly to consolidate the accord of the interested countries and in that they constitute one of the guarantees of peace in the northeast of Europe. They cannot have their full meaning unless they continue to assure the contact between the four states taking part.

treaty with Russia can be successfully questioned—and it is difficult to see how it can—what is needed to complete the validation of frontiers is a settlement between Poland and Lithuania directly, reaffirming the boundaries of the first Treaty of Moscow.

Whatever the future may have in store for the rest of the European continent, it is safe to conclude that Baltic conferences are predestined for a long time to come to be essential parts of the machinery for regional political and economic co-operation on an open and equalitarian basis.

THE PROBLEM OF BALTIC SECURITY

Fruitful as Baltic cooperation may be in settling matters of interest to the Baltic states *inter se*, there are basic problems which no amount of cooperation can, of itself, solve. Foremost among these is the problem of security. This is conditioned first by the fact that the Baltic states stand in a pressure zone between two hitherto large and important civilizations. Their past has been replete with the efforts of either Germany or Russia to subjugate them; their present status has been made possible only by the breakdown of both the German and Russian empires.

As an additional factor, they have an exposed position along the Baltic and are capable of being subjected to dire difficulties in the event of a great maritime war. Hence the numerous moves made during the opening days of the new era of independence for the neutralization of the Baltic—an idea which runs throughout the diplomatic documents and controversial literature on the Balticum; hence also the nuclear idea of neutralization of maritime belts found in the treaties of Tartu, Riga, Moscow and Dorpat. Obviously after their experience with allied blockades, after the rigors of the World War, the Baltic peoples have had seared into them a fear of attack from the sea and consider their protection in that quarter vital, indeed, absolutely essential, to their independence.

A third factor which influences them is the character of their land frontiers with Russia. While Esthonia and Russia devised a satisfactory frontier by making use of Lake Peipus as a principal dividing line, the position of the other countries is not so fortunate. Finland, in particular, has a long and exposed boundary; Latvia finds her eastern province of Latgale in a singularly indefensible position, while Poland, by acquiring her

far-flung frontiers through the accident of victory in 1920, occupies a most exposed position. Only Lithuania is left without direct contact with Russia, and this through no fault of the soviet republic: the first Treaty of Moscow contemplated contiguous frontiers, and only the adventure of Zeligowski changed this situation and made possible the eastward advance that brought Poland her present boundaries. And it will be recalled that the second Treaty of Moscow¹⁰ did not accept with finality the existing territorial delimitation between Poland and Lithuania. All these considerations of a strategic character must be realized in any attempt to understand the needs of the Baltic states in the matter of security.

But equally as important, in many respects, as strategic location, is the problem of adjustment of political relations with both East and West. From Finland to Poland, the Baltic countries are essentially borderlands between western civilization and that of Russia. Politically they have borrowed their ideas and machinery of government and administration from the West, economically two centuries of Russian imperial domination have made them Russia's outlets to the sea. The Baltic states are, therefore, by geographical foreordination and by the tortuous turns in their history, predestined to be the mediators between the West and the East, not only in the purveying and conveying of economic goods but also in the effort to build up a political understanding between East and West. Since the end of the World War they have become the "frontiers of freedom," in the sense in which bourgeois constitutional liberty has been conceived of in the past, and the outposts of democratic national self-government in a region which had theretofore known little else than the merciless centralization of arbitrary authority traditionally associated with an autocratic system. Security, therefore, is, for the Baltic states, something more than a matter of mere military concern or of economic capacity for subsistence. It is as much a question of the security of their institutions as of their territorial integrity. While a guarantee of their existing political independence is furnished as regards members of the League of Nations by the provisions of Article 10 of the

¹⁰ Cf. pp. 401-402, *ante*.

League Covenant, and while the peace treaties with Russia contain reciprocal pledges of abstention from propaganda against each other's political institutions, experience has showed these guarantees to be, by themselves, insufficient. Viewed in this sense, it would appear that the solution for the security problem must lie not merely in legal measures for the protection of territory, such as are ordinarily to be found in the general clauses of territorial guarantee treaties, but also in the development of such understandings between the Baltic countries and their neighbors as will protect their political institutions from assault. Such is the general problem facing them.

What form the specific arrangements for security should take has been a perplexing problem. From the standpoint of public law, the treaties of Tartu, Moscow, Riga and Dorpat marked the initial bases of regular relations between the Baltic states and Russia and, being generally of a common pattern in their political clauses, furnished what were regarded on all sides as the minimum bases for political rapprochement. By these treaties Soviet Russia was perforce brought to establish with democratic, bourgeois republics a system of legal relations founded on the public law of nations and endeavoring to reconcile under such a law the claims of both Russia and the border states. Nevertheless, the openly anti-Bolshevik character of the republican régimes from Finland to the Rumanian frontier left the minimum bases laid down by the peace treaties far from adequate to meet the Russian need of security from possible recurrent "White" attacks through Baltic territory, while exposing the Baltic republics to possible "Red" invasions such as they had already experienced—both propagandist and military. Frankly, mutual recognition of independence without further guarantees was not enough. The disproportionate size of Russia compared to the Baltic republics, the need of a renewal of economic contacts on all sides, made a broader, surer basis of relations necessary.

In the first flush of newly acknowledged freedom, the idea of defensive military alliances as the bases of security loomed large. Poland turned instinctively to such a course and, under the fear psychosis of the immediate post-war period, allied herself to

France and Rumania. The other Baltic countries were willing to consider other ties to the West, Esthonia being willing to propose an alliance with England as the basis of her own security. But England was weary of overseas commitments, and the possibilities of security for the Balticum through the support of the allied Powers soon faded. To ally themselves with either of their powerful neighbors to the East or to the West was generally considered to be beyond the pale of political practicality, as such an alliance would offer no real security save at the price of subservience.

Under such circumstances what was desired was a method of arranging for mutual understanding and for a definition of the terms on which the Baltic states and their great neighbors might live peaceably together. Baltic alliance and union suggested themselves to the border states and the earlier Baltic conferences, during 1920-1921, as we have seen, concerned themselves intimately with these subjects. However, Russia, in her overpowering fear of further interventions, exerted her every effort diplomatically to see that the Baltic states should not form any confederation possessing the material power of coercing her. It was this overshadowing influence of Russia, as well as Finland's fears of guaranteeing dubious frontiers, that scotched, between 1920 and 1922, the plans for Baltic union.

In 1922, Russia, once more united in the network of soviet alliances which produced the U.S.S.R., could afford, at the moment of the consummation of that constitutional union, at least to make the gesture of open friendship and suggest arrangements for disarmament. We need only note its failure because of the unwillingness of Poland at the Moscow disarmament conference to play up to the soviet proposals.¹¹ Whether Russian plans for security against all outlying neighbors had not as yet fully materialized or whether the situation was, in general, too

¹¹ Poland, it should be noted, was, as the military ally of France, in a position of being likely to be called upon to handle an obstreperous Germany at a time when France was virtually intent upon entering the Ruhr. France, having noted with chagrin the Russo-German alliance cemented at Rapallo, was obviously unwilling to have the hands of Poland fettered at this particular moment by any ties to Russia, the ally of her own adversary in the Ruhr.

unsettled, whether internal problems engrossed the minds of the soviet commissaries, we need not here inquire; it is enough to note that practically no further progress in the direction of security negotiations was made for four years. Then, at the time when the Soviet Union had formed the "Grand Design" of non-aggression treaties with its Asiatic neighbors, the question of security pacts loomed large on the political horizon of the Baltic. After the Turco-Soviet Treaty of Paris of December 17, 1925, Russia came forward with the necessary proposals for negotiations, but tried to avoid dealing with all the border states *en bloc*. It was due to this effort to divide and rule¹² that the Baltic governments demurred, conferred, and protracted the correspondence. Meanwhile Russia went beyond them and by the Treaty of Berlin of April 24, 1926, compassed the unification of Russian and German policy and created the machinery of adjustment to insure a permanent peace between the Soviet Union and the German Reich. This rendered hostilities between Germany and Russia most improbable and it appeared to the Baltic countries that, since the likelihood of their becoming battlegrounds between their great neighbors was remote, their security was measurably enhanced.

While all parties favored some agreement, from that moment

¹² Thus M. Tchernykh, the Russian minister to Latvia, declared to the collegium of the Union commissariat for foreign affairs: "The essential aim of the policy of the U.S.S.R. in the Baltic countries consists in opposition to the union of these states. The efforts hitherto made to separate the Baltic states have been unsuccessful, the diplomatic action of the U.S.S.R. having lacked system. On the other hand, soviet diplomacy has not known how to profit from the divergences which separate Poland and Lithuania in the Vilna question. The thing of first importance is to separate Lithuania and Latvia from their neighbors to the north and to the south. Against the project of union of the Baltic states it is important to propagate the idea of a political and economic union of these countries with the Republic of Soviets. Lithuania and Latvia ought to be the first to form part of this Union. As regards Esthonia and Finland, they might participate in an economic capacity only." Tchernykh was authorized to proceed to Latvia on his mission. While the italicized passages merely indicate a hope and are on their face propaganda ideas dear to communist officialdom, it is significant that the two countries first to be "worked on" were the ones first to sign security pacts. Cf. *Riga Segodnia*, March 24, 1926, cited by the *Bulletin Periodique de la Presse Russe*, No. 153, April 15, 1926.

on prospects of Russian negotiations with the Baltic states jointly were dim. Russia did not particularly desire it, while the Baltic republics were in no position to act concertedly on account of the ever-festering Polish-Lithuanian situation. Hence, taking advantage of the possible leverage which a reconfirmation of her frontiers under the first Treaty of Moscow would give Lithuania as regards Poland, Chicherin and Sleževičius came to terms by the second Treaty of Moscow of September 27, 1926, and effected the first Baltic security settlement. With a Social Democratic government in Kaunas, Moscow could make terms with Lithuania on a basis which would bridge the differences between a mildly bourgeois world and a world of pseudo-communism. Once the diplomatic ice had been broken by this bold step, the Soviet Union pushed its plans still further and by March 9, 1927, came to terms with Latvia by the second Treaty of Riga.¹³ By dint of careful bargaining, a measure had been found, a formula devised, for the bridging over and linking together of the interests of the contracting states. That formula was neutrality. Under the terms laid down, both the signatories pledged to settle all their disputes peacefully, created arbitral commissions for the purpose, and each pledged neutrality in any war affecting the other signatory. In this way the Soviet Union acquired the desired protection on its western front.

In a very real sense the treaties of Moscow and Riga, when viewed in connection with the Treaty of Berlin, have a greater significance than any other security pacts which Russia has yet negotiated, because they link Germany, Lithuania and Latvia on the one hand and the Soviet Union on the other in a far-reaching network of guarantees of understanding and security. It was essential that a bridge between Moscow and Berlin be built to insure the common contact of the two great countries and the free and secure play of economic forces between them. This the treaties have accomplished. No other Baltic security

¹³ Thus within a year from the time Tchernykh made his prophecy and inaugurated his campaign a fulfilment had come about, although hardly in the way he predicted, or at the price of the independence of the states concerned.

pact, unless possibly one with Finland, can ever have as much significance for the general state system as these whereby Soviet Russia after her years, first of militant revolt, then of virtual isolation—under communism—has become assimilated to the political life of the European world. This much can be said for the treaties of Moscow and Riga, that they are of the same cloth as the treaties with Turkey, Persia and Afghanistan, as well as Germany, and that in negotiating them with Russia, Latvia and Lithuania have no more surrendered their independence or become vassals of the Soviet Union than has the German Reich. It must be emphasized that the broad outlines of the soviet security system seem already to have been permanently established, as revealed in the treaties so far negotiated, and that there is little likelihood of any great changes arising through subsequent negotiations. The vital point of reconciling League membership and obligations with those of the security pacts was settled in relation to Russia and Germany and the Treaty of Berlin. The precedent was established when, despite her pledge of neutrality under the treaty clauses, Germany was admitted to full-fledged membership in the League. Henceforth, the fact of Estonian, Finnish or Polish membership in the League of Nations will not prevent the negotiation of security agreements. The actual times and places and circumstances of future negotiations must, of course, remain indeterminate, but there is no fundamental, deterring factor in the way of the conclusion of further security pacts. Within the space of a year and a half the Soviet Union has found the formulæ for security understandings with its neighbors from Sin-Kiang to Constantinople and from Pskov to Memel; it would appear altogether likely that within a not too distant future the remainder of the Balticum may find like terms of permanent association and peace.

The future of the Balticum is in the hands of the countries which comprise it. Out of a period of historic subjugation to one mighty empire, out of the dire peril of being incorporated by another, more ruthless and more efficient, has come the day of independence, coupled with strivings for cooperative union. Fortunate in being born at the same time as a new order in international affairs, the Baltic countries have been privileged

to help in the ushering in of the era of frank and open diplomatic collaboration. Any period of dreams of alliance with the great western Powers is over; the period of realistic, objective and constructive diplomacy has begun. With the Baltic countries, as with the Rhineland, the question of peaceful and prosperous reordering of regional life has been awaiting the settlement of the major problem of security. Once the Baltic republics and Russia, living on the frontier zones of two vastly different civilizations, find the common measure of their security, it will be possible to achieve a far greater degree of political co-operation and build up a common economic life in the Balticum. In such respects the tides of history are running high at the moment, and it is scarcely conceivable that the economic integration of Europe, which is elsewhere making such powerful strides, should fail of fruition on the eastern shores of the Baltic.

PART II

SELECT DOCUMENTS ON THE NEW GOVERNMENTS OF EASTERN EUROPE

A. RUSSIA.

1. Telegram from Members of the Council of the Empire to the Czar, March 13, 1917.
2. Proclamation of the Executive Committee of the Duma, March 13, 1917.
3. First Proclamation of the Petrograd Soviet, March 13, 1917.
4. Act of Abdication of the Czar. Pskov, March 15, 1917.
5. Declaration from the Throne by Grand Duke Michael Alexandrovitch, Petrograd, March 16, 1917.
6. Appeal of the Provisional Government to the Nation, March 16, 1917.
7. Circular from the Provisional Government to Russia's Representatives Abroad.
8. Manifesto of the Provisional Government to the People of Russia, March 19, 1917.
9. Oath Taken by Ministers of the Provisional Government, March 28, 1917.
10. Proclamation of the Provisional Government to the Poles, March 30, 1917.
11. Statement of the Petrograd Soviet Regarding Its Relation to the Provisional Government and Their Respective Spheres of Authority, April 6, 1917.
12. Further Pronouncement of the Petrograd Soviet Respecting Its Relation to the Provisional Government, April 14, 1917.
13. Proclamation of the Provisional Government to the Russian People, May 9, 1917.
14. Statement of Conditions on Which Members of Socialist Parties Agree to Enter into Provisional Government.
15. Declaration of Policy of the Coalition Government, May 16, 1917.
16. Declaration of the Petrograd Soviet in Regard to the Kronstadt Revolt.
17. Resolution of the First All-Russian Congress of Soviets, Abolishing the Duma.
18. Resolution of the First All-Russian Congress of Soviets.
19. Appeal of the Russian Provisional Government to the People of the Ukraine, June 30, 1917.
20. Declaration of the Provisional Government (Third Coalition), July 22, 1917.
21. Decree of the Council of Five Proclaiming the Russian Republic, September 14, 1917.
22. Declaration of the Provisional Government (Fourth Coalition), October 8, 1917 (in part only).
23. Decree of Socialization of Lands, Adopted by the Congress of Workers', Soldiers' and Peasants' Deputies in Its Session on the Night of October 26/November 8, 1917.

24. Decree on the Promulgation of the Laws, October 30/November 12, 1917.
25. Declaration of the Rights of the Peoples of Russia, November 2/15, 1917.
26. Decree on the Abolition of Classes and Titles, November 10/23, 1917.
27. Decree on the Editing and Publishing of Legislative and Governmental Acts.
28. Constitution Voted by the Second All-Russian Congress of Soviets, November 18/30, 1917.
29. Instructions Concerning the Reelection of the Petrograd Soviet, December 13, 1918.
30. Decision of the Council of Workers' and Peasants' Defence (Against Regional Separatism and Bureaucratic Formalism), December 14, 1918.
31. Decision of the Central Executive Committee of the Sixth All-Russian Congress of Soviets Concerning Regional Groupings, December 23, 1918.
32. Resolution of the Tenth All-Russian Congress of Soviets Regarding the Union of Socialist Soviet Republics, December 27, 1922.
33. Declaration in Regard to the Constitution of the Union of Socialist Soviet Republics, Moscow, December 30, 1922.
34. Treaty of Union of Socialist Soviet Republics, December 30, 1922.
35. Declaration of the Constitution of the Union of Socialist Soviet Republics, July 13, 1923.
36. Constitution of the Buriat-Mongol Autonomous Socialist Soviet Republic, September 12, 1923.
37. Resubmission Manifesto of the Communist Opposition, Moscow, October 17, 1926.

B. FINLAND.

1. Russification Ukase of Czar Nicholas II, November, 1914
2. A Law Concerning the Transfer of Certain Matters to the Finnish Senate and the Governor-General, April 2, 1917.
3. Law Concerning the Realization of Higher Power in Finland, July 18, 1917.
4. Resolution of the Helsingfors Soviet and the Finnish Socialist Party, Helsingfors, August, 1917.
5. Manifesto of the Russian Provisional Government Dissolving the Finnish Diet, August, 1917.
6. Declaration of Judge Svinhufvud to the Finnish Diet, November 26, 1917.
7. Appeal of the Finnish Government to the Russian Commissaries of the People, January 25-26, 1918.
8. Appeal of the Finnish Government to Foreign Powers, January 26, 1918.
9. Appeal of the Government to the Finnish People, January 25-26, 1918.
10. Manifesto of the Finnish Social Democratic Party to the Russian Soldiery, January 24, 1918.
11. Revolutionary Proclamation to the People of Finland, January 28, 1918.

12. Address of Regent Mannerheim to the Finnish Diet, April 6, 1919.
13. Statement of the Finnish Social Democratic Party as to Conditions on Which It Will Collaborate with Other Parties in the Finnish Diet.
14. The Viborg Programme: Speech of Rudolf Holsti, Finnish Minister for Foreign Affairs, Respecting the Foreign Policy of Finland, Viborg, February 7, 1920.
15. Address of President Stahlberg to the Finnish Riksdag, April 1, 1921.
16. Program of the Second Vennola Cabinet, April 15, 1921.
17. Excerpt from Manifesto Published by the Finnish Workers' Party (Communist) on Its Formal Entry into the Riksdag, September 8, 1922.
18. Program of the First Kallio Cabinet, November 13, 1922.

C. ESTHONIA.

1. Proclamation of the Esthonian National Council, Reval, November 28, 1917.
2. Appeal of the Esthonian Soviet Government to the Proletariat of the World, January 10, 1919.
3. Program of the Strandman Cabinet, May 12, 1919.
4. Esthonian Declaration of Independence, May 19, 1919.
5. Provisional Organic Law of the Republic of Esthonia, June 4, 1919.
6. Agrarian Program of the Esthonian Government: Excerpt from Speech of Prime Minister Otto Strandman to the Constituent Assembly, July 29, 1919.
7. The Constituent Assembly's Declaration of Independence of the Republic of Esthonia.
8. Address of Latvian Political Parties to the Esthonian Constituent Assembly.
9. Resolution of the Esthonian Constituent Assembly, September 12, 1919.
10. Declaration of the Baltic Conference, Tartu, October 1, 1919.
11. Appeal of the Baltic States to the Western Democracies, October 1, 1919.
12. The Constitution of the Esthonian Republic, June 15, 1920.

D. LATVIA.

1. Appeal of the Latvian National Council to the Allied Peoples, issued at Walk, November 19, 1917.
2. Proclamation of the Latvian Republic, November 18, 1918.
3. Political Platform of the National Council of Latvia, November 18, 1918.
4. Protest of the Latvian Political Parties Against the German *Coup d'Etat* at Libau, April 19, 1919.
5. Warning from General von der Goltz to the Latvian Population, April 24, 1919.
6. Resolution of the Council of State of Latvia, May 12, 1919.
7. A. Declaration of Independence of Latvia, Adopted Unanimously by the Constituent Assembly, May 27, 1920.

B. Provisional Constitution of the Latvian State, Adopted by the Constituent Assembly, June 1, 1920.

8. The Latvian Constitution, February 15, 1922.

E. LITHUANIA.

1. Extract from the Resolutions of the Committee of Organization for the Convocation of a Lithuanian Conference, Vilna, August 2, 1917.
2. Resolution of the Lithuanian Conference, Vilna, September 22, 1917.
3. Resolution of the Lithuanian Conference Creating the Taryba, September 22, 1917.
4. Declaration of the Lithuanian Taryba, Vilna, December 11, 1917.
5. Decision of the Lithuanian Taryba, Vilna, January 8, 1918.
6. The Formula of the Declaration of Independence of February 16, 1918.
7. Decree Relative to the Recognition by Germany of Lithuanian Independence, March 23, 1918.
8. Act of the Lithuanian Taryba Proclaiming the Kingdom of Lithuania, June 4, 1918.
9. Resolutions of the Lithuanian Council of State, July 11, 1918.
10. Declaration of Prince Maximilian of Baden to the Lithuanian Taryba Respecting German Policy Towards Lithuania, October 20, 1918.
11. Fundamental Principles of the Provisional Constitution of Lithuania, April 4, 1919.
12. The Constitution of the Lithuanian Republic, August 6, 1922.
13. Statute of the Memel Territory, May 8, 1924.
14. Protest of the Lithuanian Government against the Concordat with Poland, April 3, 1925.

F. POLAND.

1. Proclamation of Grand Duke Nicholas of Russia to the Poles, August 14, 1914.
2. Rescript of Emperor Francis Joseph to Premier von Koerber, November 4, 1916.
3. Proclamation of Governor-General von Beseler to the Polish People, Warsaw, November 5, 1916.
4. Resolutions of the Political Congress of Moscow, August 9, 1917.
5. Declaration of the Austrian and German Governors-General in Occupied Poland to the Polish Council of State, August 30, 1917.
6. Declaration of Polish Parties in Regard to the Regency Council, Warsaw, September 11, 1917.
7. Rescript of Emperor Wilhelm II, Announcing the Creation of a Regency Council, September 12, 1917.
8. Decree of the German and Austrian Governors-General in Poland Instituting the Polish Regency Council, September 12, 1917.
9. Address of the Council of State in Reply to the Imperial Rescript of September 12, 1917, Presented to Governor-General von Beseler, Warsaw, September 15, 1917.
10. Statement of the Russian Provisional Government Respecting the German and Austro-Hungarian Rescripts Creating the Polish Regency Council, Petrograd, September 16/29, 1917.

11. Communique of the Russian Foreign Office Respecting the Polish Situation, October 1, 1917.
12. Declaration of the Polish Government in Regard to the Peace Negotiations at Brest-Litovsk, Made at Warsaw, January 30, 1918.
13. Resolution of the Poles of Lwow in Regard to the Treaty of Brest-Litovsk, February 13, 1918.
14. Manifesto of the Polish Regency Council on the Signing of the Treaty of Brest-Litovsk, Warsaw, February 14, 1918.
15. Excerpt from the Speech from the Throne, Read to the Polish Council of State on behalf of the Polish Regency Council by Prince Lubomirski, Warsaw, June 22, 1918.
16. Manifesto of the Regency Council to the Nation, Warsaw, October 7, 1918.
17. Manifesto of the Prussian Poles, Following Germany's Acceptance of Wilson's Fourteen Points as the Basis of Negotiations for Peace, October 12, 1918.
18. Proclamation of the Polish Government, November 3, 1918.
19. Manifesto of the Polish Regency Council to the Nation, November 4, 1918.
20. Manifesto of Joseph Pilsudski to the Polish Nation, Warsaw, November 14, 1918.
21. Manifesto of the Provisional Government of the Republic to the Polish Nation, November 20, 1918.
22. Declaration of the Polish Political Parties, Warsaw, December 20, 1918.
23. Statement of Ignace Jan Paderewski on His Arrival in Warsaw, January 2, 1919.
24. Provisional Constitution of the Polish Republic, February 20, 1919.
25. Proclamation of Joseph Pilsudski to the Lithuanian Nation, April 21, 1919.
26. Polish Constitutional Projects: The Wojciechowski Draft, May 3, 1919.
27. First Fruits of Polish Foreign Policy: Excerpts from Speech of Premier Paderewski before the Peace Treaty Commission of the Diet, July 24, 1919.
28. Program of the Skulski Ministry, December 18, 1919.
29. Proclamation to the Citizens of Great Poland, Pomerania and Silesia Handed over to Poland by the Treaty of Versailles, January 17, 1920.
30. Peace Offer from the Russian Soviet Government to the Polish Government, January 29, 1920.
31. The Polish Government and the Jews: The Declaration of Warsaw, July 4, 1925.
32. Polish-Jewish Relations: Legislative and Administrative Aspects, July 11, 1925.
33. Documents on the Pilsudski *Coup d'Etat*, May, 1926:
 - A. Communique of the Witos Government to the Public, May 13, 1926.
 - B. Appeal of President Wojciechowski to the Polish Army, May 13, 1926.

- C. Manifesto of President Wojciechowski to the Polish Army, May 14, 1926.
- D. Appeal of the Polish Socialist Party to the Working Classes, May 14, 1926.
- E. Final Rescript of the Witos Cabinet, May 15, 1926.
- F. Resignation Letter of President Wojciechowski, May 15, 1926.
- G. Program of the Bartel Cabinet, May 16, 1926.
- 34. Letter of Joseph Pilsudski to the Polish National Assembly, Refusing Election to the Presidency, May 31, 1926.
- 35. Law of August 2, 1926, Modifying and Completing the Constitution of the Republic of Poland of March 17, 1921.
- 36. Law of August 2, 1926, Authorizing the President of the Republic to Promulgate Ordinances Having the Force of Law.

SELECT DOCUMENTS

RUSSIA

1. TELEGRAM FROM MEMBERS OF THE COUNCIL OF THE EMPIRE TO THE CZAR, MARCH 13, 1917

(*London Times*, March 16, 1917, p. 8, c. 3)

The maintenance of this old government in office is tantamount to the complete overthrow of law and order, involving defeat on the battlefield, the end of the dynasty, and the greatest misfortunes for Russia.

We consider that the only means of salvation lies in a complete and final rupture with the past, the immediate convocation of parliament, and the summoning of a person enjoying the confidence of the nation, who shall form a new cabinet capable of governing the country in full accord with the representatives of the nation.

GUCHKOV, STAKHOVITCH, TRUBETSKOI,
VASSILIEV, GRIMM, VERNADSKI.

2. PROCLAMATION OF THE EXECUTIVE COMMITTEE OF THE DUMA, MARCH 13, 1917

(*London Times*, March 16, 1917, p. 8, c. 1)

The Provisional Committee of members of the Imperial Duma finds itself compelled, by the onerous circumstances of internal chaos, resulting in the measures taken by the old government, to take in hand the reestablishment of state and public order.

Fully appreciating the responsibility it assumes, the Committee feels confident that the people and army will help it in the difficult task of creating a new government capable of meeting the wishes of the nation and deserving its confidence.

The President of the Imperial Duma,
MICHAEL RODZIANKO.

3. FIRST PROCLAMATION OF THE PETROGRAD SOVIET, MARCH 13, 1917

(Ariadna Tyrkova-Williams, *From Liberty to Brest-Litovsk*, p. 15)

Yesterday, March 12th, a soviet of workmen's deputies was formed in the capital, composed of delegates from factories and workshops, of revolted military units as well as of representatives of democratic and socialist parties and groups. The soviet of workmen's deputies sitting in the Duma considers its fundamental task to be the organization of popular forces, and the struggle for the final consolidation of the people's government in Russia. The soviet has appointed district commissaries for establishing the people's power in the Petrograd areas. We invite the entire population of the capital to rally around the soviet, to organize local committees and take over the management of all local affairs.

4. ACT OF ABDICATION OF THE CZAR. PSKOV, MARCH 15, 1917

(*London Times*, March 19, 1917, p. 10, c. 4)

We, Nicholas II, by the Grace of God, Emperor of All the Russias, Czar of Poland, Grand Duke of Finland, etc., to all our faithful subjects be it known:

In the days of a great struggle against a foreign enemy who has been endeavoring for three years to enslave our country, it pleased God to send Russia a further painful trial.

Internal troubles threatened to have a fatal effect on the further progress of this obstinate war. The destinies of Russia, the honor of her heroic Army, the happiness of the people and the whole future of our beloved country demand that the war should be conducted at all costs to a victorious end.

The cruel enemy is making his last efforts and the moment is near when our valiant Army, in concert with our glorious Allies, will finally overthrow the enemy.

In these decisive days in the life of Russia we have thought that we owed to our people the close union and organization of

all its forces for the realization of a rapid victory; for which reason, in agreement with the Imperial Duma, we have recognized that it is for the good of the country that we should abdicate the Crown of the Russian State and lay down the Supreme Power.

Not wishing to separate ourself from our beloved son, we bequeath our heritage to our brother, the Grand Duke Michael Alexandrovitch, with our blessing for the future of the Throne of the Russian State.

We bequeath it to our brother to govern in full union with the national representatives sitting in the Legislative Institutions, and to take his inviolable oath to them in the name of our well-beloved country.

We call upon all faithful sons of our native land to fulfil their sacred and patriotic duty of obeying the Czar at the painful moment of national trials and to aid him, together with the representatives of the nation, to conduct the Russian State in the way of prosperity and glory.

May God help Russia.

5. DECLARATION FROM THE THRONE BY GRAND DUKE MICHAEL
ALEXANDROVITCH, PETROGRAD, MARCH 16, 1917

(*London Times*, March 19, 1917, p. 10, c. 4)

A heavy task has been intrusted to me by the will of my brother, who has given me the Imperial Throne at a time of unprecedented war and domestic strife.

Animated by the same feelings as the entire nation—namely, that the welfare of the country overshadows all other interests—I am firmly resolved to accept the Supreme Power only if this should be the desire of our great people, who must, by means of a plebiscite, through their representatives in the Constituent Assembly, establish the form of government and the new fundamental laws of the Russian State.

Invoking God's blessing, I therefore request all citizens of Russia to obey the Provisional Government, set up on the initiative of the Duma and invested with plenary powers, until,

within as short a time as possible, the Constituent Assembly, elected on a basis of universal, equal and secret suffrage, shall express the will of the nation regarding the form of government to be adopted.

6. APPEAL OF THE PROVISIONAL GOVERNMENT TO THE NATION,
MARCH 16, 1917

(*London Times*, March 17, 1917, p. 7, c. 6)

CITIZENS:

The Provisional Executive Committee of the Duma, with the aid and support of the garrison of the capital and its inhabitants, has now triumphed over the noxious forces of the old régime in such a measure as to enable it to proceed to the more stable organization of the executive power. With this object the Provisional Committee has appointed as ministers of the first national cabinet men whose past political and public activity assures them the confidence of the country.

The new cabinet will adopt the following principles as the bases of its policy:

1. An immediate general amnesty for all political and religious offenses, including terrorist acts, military revolts and agrarian crimes.

2. Freedom of speech, of the press, of association and labor organization, and the freedom to strike, with an extension of these liberties to officials and troops in so far as military and technical conditions permit.

3. The abolition of all social, religious, and national restrictions.

4. Immediate preparations for the summoning of a constituent assembly, which, with universal suffrage as a basis, shall establish the governmental régime and the constitution of the country.

5. The substitution for the police of a national militia with elective heads and subject to the self-government bodies.

6. Communal elections to be carried out on the basis of universal suffrage.

7. The troops that have taken part in the revolutionary movement shall not be disarmed, but they are not to leave Petrograd.

8. While severe military discipline must be maintained on active service, all restrictions upon soldiers in the enjoyment of social rights granted to other citizens are to be abolished.

The Provisional Government wishes to add that it has no intention of taking advantage of the existence of war conditions to delay the realization of the above-mentioned measures of reform.

7. CIRCULAR FROM THE PROVISIONAL GOVERNMENT TO RUSSIA'S
REPRESENTATIVES ABROAD

(*London Times*, March 19, 1917, p. 10, c. 5)

The news transmitted by the Petrograd Telegraph Agency has already acquainted you with recent events and the fall of the old political régime in Russia, which collapsed lamentably before the popular indignation provoked by its carelessness, its abuses, and its criminal lack of foresight.

The unanimity of the resentment which the order of things now at an end had excited among all the healthy elements of the nation has considerably facilitated the crisis. All these elements having rallied with enthusiasm to the noble flag of the revolution, and the army having lent them its prompt and effective support, the national movement obtained a decisive victory within eight days. This rapidity of realization has happily made it possible to reduce the number of victims to numbers unprecedentedly small in the annals of upheavals of such extent and importance.

By an Act dated from Pskov on March 15, the Emperor Nicholas II, renounced the Throne for himself and the Hereditary Grand Duke Alexis Nicolaievitch, in favor of the Grand Duke Michael Alexandrovitch.

In reply to the notification which was made to him of this Act, the Grand Duke Michael Alexandrovitch, by an Act dated Petrograd, March 16, in his turn renounced the assumption of the supreme power until the time when a Constituent Assem-

bly, created on a basis of universal suffrage, should have established the form of government and the new fundamental laws of Russia.

By this same Act the Grand Duke Michael Alexandrovitch invited the citizens of Russia, pending a definitive manifestation of the national will, to submit to the authority of the Provisional Government constituted on the initiative of the Duma of the State, which holds full power.

The composition of the Provisional Government and its political program have been published and transmitted to foreign countries. This Government, which assumes power at a moment of the gravest external and internal crisis which Russia has known in the course of her history, is fully conscious of the immense responsibility which it incurs. It will apply itself first of all to the repairing of the overwhelming errors bequeathed to it by the past, to ensuring order and tranquillity in the country, and finally to preparing the conditions necessary in order that the sovereign will of the nation may be freely pronounced on its future lot.

In the domain of foreign policy the Cabinet, in which I am charged with the portfolio of the Ministry for Foreign Affairs, will remain mindful of the international engagements entered into by the fallen régime and will honor Russia's word. We shall carefully cultivate the relations which unite us to the other friendly and Allied nations, and we are confident that these relations will become even more intimate and more solid under the new régime established in Russia, which is resolved to be guided by the democratic principles of respect due to small and great nations, to the liberty of their development, and to a good understanding between nations.

But the Government cannot forget for a single instant the grave external circumstances in which it assumes power. Russia did not will the war which has been drenching the world with blood already for nearly three years. But, victim of premeditated aggression, prepared long ago, she will continue, as in the past, to struggle against the spirit of conquest of a predatory race which has aimed at establishing an intolerable hegemony over its neighbors and subjecting twentieth century Europe to the shame of the domination of Prussian militarism.

Faithful to the pact which unites her indissolubly to her glorious Allies, Russia is resolved, like them, to assure to the world at all costs an era of peace among the nations on a basis of stable national organization, guaranteeing respect for right and justice.

She will fight by their side against the common enemy until the end, without cessation and without faltering.

The Government of which I form part will devote all its energy to the preparation of victory, and will apply itself to the task of repairing as quickly as possible the errors of the past which hitherto have paralysed the aspirations and the self-sacrifice of the Russian people.

I am firmly convinced that the marvellous enthusiasm which today animates the whole nation will multiply its strength ten times and will hasten the hour of the final triumph of a regenerated Russia and of her valiant Allies.

I beg you to communicate to the Minister for Foreign Affairs the contents of the present telegram.

MILUKOV.

8. MANIFESTO OF THE PROVISIONAL GOVERNMENT TO THE PEOPLE OF RUSSIA, MARCH 19, 1917

(*London Times*, March 20, 1917, p. 8, c. 1)

CITIZENS!

The great work has been accomplished. By a powerful stroke the Russian people has overthrown the old régime. A new Russia is born. The *coup d'état* has set the keystone upon the long years of struggle. Under the pressure of awakened national forces, the Act of October 30, 1905, promised Russia constitutional liberties which, however, were not put into effect.

The First Duma, the mouthpiece of the wishes of the nation, was dissolved, the Second Duma met with a similar fate, and the Government, being powerless to crush the national will, decided by the Act of June 16, 1907, to withdraw from the people part of the legislative rights which had been promised them. During the ten succeeding years the Government withdrew from the people one after another all the rights they had won. The

country was again thrown into the abyss of absolute rule and administrative arbitrariness.

All attempts to make the voice of reason heard were in vain, and the great world struggle into which our country was plunged found it face to face with the moral decadence of a power not united with the people, a power indifferent to the destinies of the country, and steeped in vices and infamy. The heroic efforts of the Army crushed under the cruel weight of internal disorganization, the appeals of the national representatives who united in view of the national danger were powerless to lead the ex-Emperor and his Government into the path of union with the people.

Thus when Russia, by the illegal and disastrous acts of her governors, was faced with the greatest disasters, the people had to take the power into their own hands. The unanimous revolutionary spirit of the people, fully realizing the seriousness of the moment, and the firm will of the Duma established a Provisional Government which considers it its sacred duty to realize the national desires and to lead the country into the bright path of free civil organization.

The Government believes that the lofty spirit of patriotism which the people have shown in the struggle against the old régime will also animate our gallant soldiers on the fields of battle. On its side, the Government will do its utmost to provide the army with all that is necessary to bring the war to a victorious conclusion.

The Government will faithfully observe all the alliances uniting us to other Powers and all agreements made in the past. While taking the measures indispensable for the defense of the country against the foreign enemy, the Government will consider it its first duty to grant the people every facility for expressing its will as to the political régime and will convoke as soon as possible a Constituent Assembly, on the basis of universal suffrage, at the same time assuring the gallant defenders of the country their share in the Parliamentary elections. The Constituent Assembly will also issue fundamental laws guaranteeing the country the immutable rights of equality and liberty.

Conscious of all the burden of political oppression weighing

on the country and hindering the free creative forces of the people in a year of heavy trials, the Provisional Government deems it necessary, even before the convocation of the Constituent Assembly, to announce immediately to the country its set principles assuring political liberty and equality, in order to enable all citizens to develop their strength in creative work for the good of the country.

The Government will be careful to lay down principles assuring the participation of all citizens in the communal elections, which will be held on the basis of universal suffrage.

In the moment of national liberation the whole country remembers with deep gratitude the services of those who fell victims, in the struggle for their political and religious ideas, to the vengeance of the old régime, and the Provisional Government will joyfully facilitate the return from exile and prison of all who are suffering for the good of their country. In solving these problems the Provisional Government believes that it will be carrying out the national will, and that the whole people will support it in its efforts to secure the happiness of Russia.

9. OATH TAKEN BY MINISTERS OF THE PROVISIONAL GOVERNMENT, MARCH 28, 1917

(London Times, March 29, 1917, p. 6, c. 4)

In the capacity of a member of the Provisional Government, created by the will of the people and at the instance of the Duma, I promise and swear before Almighty God and my conscience to serve faithfully and justly the people of the Russian State, sacredly guarding its liberty, rights, honor, and dignity, inviolably observing in all my acts and orders civil liberty and civic equality, and in all measures entrusted to me suppressing any attempts, direct or indirect, toward the restoration of the old régime.

I swear to apply all my intelligence and strength completely to fulfil all the obligations assumed by the Provisional Government before the eyes of the people. I swear to take all measures for the convocation of the Constituent Assembly in the

shortest possible time, on the basis of universal, direct, equal and secret suffrage; to transfer to the hands of the Assembly all the authority provisionally exercised by me in conjunction with other members of the Government, and to bow before the people's will, as expressed by that Assembly, concerning the form of government and the fundamental laws of the Russian State. May God help me in the fulfilment of this oath.

10. PROCLAMATION OF THE PROVISIONAL GOVERNMENT TO THE POLES, MARCH 30, 1917

(Text compiled from the *Manchester Guardian*, March 31, 1917, p. 5, c. 3, and the *Paris Temps*, April 1, 1917, p. 2, c. 1)

POLES! The old political régime of Russia, the source of our own servitude and disunion and of yours, has now been overthrown for ever. Liberated Russia, personified in its Provisional Government, which is invested with full powers, hastens to send you a fraternal salutation and to call you to a new life and to liberty.

The old régime gave you hypocritical promises which it could but would not execute. The Central Powers profited by its shortcomings to occupy and devastate your country. With the sole object of enlisting you on their side against Russia and her Allies they gave you illusory political rights, which they extended not to the entire Polish people but only to a part of Poland temporarily occupied by the enemy. At this price they sought to buy the blood of a people which has never fought for despotism. Now, no Polish army will go into battle to oppress liberty, to dismember its Motherland under the command of its hereditary enemy.

Polish brothers, for you the hour of a great decision has come. Free Russia calls you to her ranks in the fight for the liberty of the people. The Russian people, which has shaken off its yoke, recognizes equally for the fraternal Polish people all the plenitude of rights defined by its own will. Faithful to its agreements with the Allies, faithful to the plan decided upon in common with them for the prosecution of the war

against German militarism, the Provisional Government regards the creation of an independent Polish State, formed of all the territories of which the majority of the population is Polish, as a pledge of a durable peace in the remodelled Europe of the future. Bound to Russia by a free military union, the Polish State will be a solid rampart against the pressure of the Central Powers against the Slav nations.

The Polish nation, liberated and unified, will settle for itself the nature of its own Government by means of a Constituent Assembly convoked on the basis of universal suffrage in the capital of Poland. By a common life the Polish people will thus receive a solid guarantee of its national and civic existence. It will lie with the Constituent Assembly of Russia definitely to consolidate the new fraternal union and to give its consent to the modifications of Russian territories which will be indispensable for the formation of a free Poland formed of all its three divisions now so cruelly separated.

Polish brothers, take in the spirit of brotherhood the hand held out to you by free Russia. Faithful guardians of great traditions, make ready now to usher in a new and brilliant era of your history, the era of Poland's resurrection. May the union of our sentiments and of our hearts anticipate the union of our States and may the old glorious appeal of the forerunners of your liberation echo with renewed vigor. Forward to the struggle, side by side, hand in hand, for your liberty and ours!

(Signed by all the ministry.)

11. STATEMENT OF THE PETROGRAD SOVIET REGARDING ITS RELATION TO THE PROVISIONAL GOVERNMENT AND THEIR RESPECTIVE SPHERES OF AUTHORITY, APRIL 6, 1917

(*Le Temps*, April 11, 1917, p. 4, c. 3, citing *Izvestia*, April 7, 1917)

The Provisional Government is charged with two tasks which it must fulfil: to prepare the convocation of the Constituent Assembly and to govern the country up to the day of the opening

of this Assembly. The Provisional Government must exercise the executive power, but this power must not be unlimited. The executive power ought to submit itself to the minute and vigilant supervision (contrôle) of the whole nation in order that certain acts which might be of a nature to menace national liberty may be prevented. The Soviet of Workers and Soldiers has no intention to impair the authority of the Provisional Government; on the other hand, it recognizes the necessity of close contact between the Provisional Government and the Soviet of Workers and Soldiers, in order to become mutually informed as to the important measures to be taken. These measures ought to be taken, after a preliminary understanding, and in common accord, between the Provisional Government and the Soviet of Workers and Soldiers. Such an understanding has already been reached in regard to several vital questions; other problems will be discussed by the Constituent Assembly, but up to that day the Provisional Government ought to accomodate itself to the necessity of certain inconveniences of revolutionary control.

12. FURTHER PRONOUNCEMENT OF THE PETROGRAD SOVIET RESPECTING ITS RELATION TO THE PROVISIONAL GOVERNMENT, APRIL 14, 1917

(*Manchester Guardian*, April 17, 1917, p. 8, c. 6, and *Le Temps*, April 17, 1917, p. 2, c. 1)

1. The Provisional Government, which constituted itself during the Revolution in agreement with the Council of Workmen's and Soldiers' Delegates of Petrograd, has published a proclamation announcing its program. This Congress (the General Congress of the Council of Workmen's and Soldiers' Delegates from all parts of Russia) records that this program contains in principle the political demands of the Russian democracy and recognizes that so far the Provisional Government has faithfully carried out its promises.

2. This Congress appeals to the whole of the revolutionary democracy of Russia to rally to the support of the Council of

Workmen's and Soldiers' Delegates, which is the center of the organized democratic forces that are capable, in unity with other progressive forces, of counteracting any counter-revolutionary attempt and of consolidating the conquests of the Revolution.

3. This Congress recognizes the necessity of a permanent control, the necessity of exercising an influence over the Provisional Government which would keep it up to the most energetic struggle against anti-revolutionary forces, and the necessity of exercising an influence which will insure its democratizing the whole of Russian life and paving the way for a common peace without annexations or indemnities, but on the basis of free national development of all peoples.

4. This Congress appeals to the democracy, while declining responsibilities for any of the Provisional Government's acts, to support the Provisional Government as long as it continues to consolidate and develop the conquests of the Revolution and as long as the basis of its foreign policy does not rest on aspirations for territorial expansion.

5. This Congress calls upon the revolutionary democracy of Russia rallying around the Council of Workmen's and Soldiers' Delegates, to be ready vigorously to suppress any attempt by the Government to elude the control of the democracy and to renounce the carrying out of its pledges.

13. PROCLAMATION OF THE PROVISIONAL GOVERNMENT TO THE RUSSIAN PEOPLE, MAY 9, 1917

(*Le Temps*, May 11, 1917, p. 2, c. 1)

When the Provisional Government assumed power, it was not unaware of the task. Nevertheless, it accepted the burden, supported as it was then unanimously by the people on the question of the creation of a free Russia. The prompt convening of the Constituent, the immediate entry into force of the principles of liberty and equality, the creation of a local and democratic autonomy, the extension of civil rights to all soldiers while maintaining order and discipline, the continuation of the struggle for the motherland in strict union with the Allies—such was

the program in which the popular will found expression and upon which a Government uniting all the parties was founded, to which the country adhered unanimously.

This Government swore to carry out the will of the people; despite the fact that it has been in existence for so short a time, the people may judge whether it has fulfilled its obligations.

In addition to the activity which it has consecrated to questions immediately concerning the national life and the defence of the country, such as the amelioration of transportation and finances, it has put into force reforms re-creating Russia on the principles of liberty and equality: amnesty has been proclaimed, the death penalty abolished, the equality of nationalities and religions established, the freedom of meeting and association assured. The reform of communal autonomy is in process of being realized on broad democratic bases. Decrees have already been issued relative to the elections of the municipalities and the militia; others will shortly be promulgated as regards the zemstvos, the rural volosts, the government of districts, local tribunals and authorities, and administrative justice.

A draft of a law setting forth the method of election of the Constituent is being elaborated; the elections will be held without distinctions of sex and by direct, equal and secret vote. To assure the carrying on of this work, a commission has been constituted, which will take action as soon as the representatives from the principal parties shall have been designated.

The question of the reorganization of the army has been studied in the sense of a democratic reform in which all the projects passed on this subject by the most liberal nations will be applied to the reestablishment of the internal reorganization of the army, shaken during the passage to a new order of affairs.

The Government has declared the wheat from former harvests and that of the current year to be national property, and it will assure its distribution. To prepare for agrarian reform it has established a central committee and local committees. The position which the Government has taken in regard to the matter of the nationalities finds its full expression in its attitude toward Finland and the independent unification of Poland.

The Government intends to base its foreign policy on its re-

fusal to attack the liberty of peoples, to conduct a war of conquest, to enter into combat with the advanced democracies, in order to attain a durable peace based on the independence of peoples.

The Government cannot hide from the people the difficulties and the obstacles which its activities have encountered. It is impossible for it to keep silent about the fact that latterly its difficulties have increased. It considers itself as the executor and the guardian of the people's will; it seeks its defence not in material force but in moral force. Since entering into power, it has never failed to maintain these principles; not a drop of the people's blood has been shed through its fault, and it has never attempted to arrest by force a current of political ideas.

Unfortunately, and greatly to the danger of liberty, the creation of new social ties through which the nation should exhibit new strength has not kept pace with the disintegration brought about by the downfall of the old régime.

Under these conditions, and in view of the refusal of the Government to have recourse to the old measures of force and to artificial means formerly used to keep up the prestige of power, the difficulties of the governmental problem threaten to become insurmountable.

To realize by violence the views of classes and distinct groups would be to accomplish an elementary effort and to menace the discipline and internal unity as between citizens. It would create a favorable ground for brutal acts which would sow among their victims hatred and enmity against the new régime and, on the other hand, would favor particular interests to the detriment of general interests and would finally lead to a refusal of social duties.

The Provisional Government declares that such an order of things renders extremely difficult the situation of the state, menaces the country with internal disorganization and with defeat at the front.

Before Russia there looms up the horrifying phantom of civil war, anarchy and the ruin of liberty. There exists for peoples a sombre path well known in history which leads from liberty

to reaction by way of civil war and anarchy. This road must not be that of the Russian people.

To maintain and reinforce a liberty acquired at the price of the blood of the best sons of the motherland, the Provisional Government makes its appeal to all and to each to fortify the power which is the creator and guardian of liberty. May all those to whom the liberty of Russia is dear sustain this power by obedience, by work accomplished in common as an example for the Constituent Assembly and by the personal participation of each in the work of all.

On its side, the Government exerts itself with exceptional solicitude to continue its effort. It will enlarge its composition by calling into its midst representatives of all the creative and active forces of the nation which hitherto have not directly participated in the conduct of affairs.

Citizens! The destiny of Russia is in your hands! Without you, without your assistance the Government is powerless; with you it will ardently and resolutely guide the nation toward its great destiny!

Do you wish, inasmuch as it is impossible for liberty to subsist without a regular power, that under the new régime the power created and conserved by you shall be based upon your internal discipline and your free submission?

United about this power, which is of your making, and permitting it to realize all the strength of a right recognized by you, you will give it the force and the authority necessary to bring to Russia full and intangible liberty, up to the day when the people, personified by the Constituent Assembly, shall govern itself.

14. STATEMENT OF CONDITIONS ON WHICH MEMBERS OF SOCIALIST PARTIES AGREE TO ENTER INTO PROVISIONAL GOVERNMENT

(London Times, May 18, 1917, p. 6, c. 2)

1. Active foreign policy directed toward the speediest possible attainment of general peace without annexation or indem-

nity based on the express will of the people, and negotiations with the Allies for a revision of their agreements with Russia on the basis of the declaration of the Provisional Government of April 9.

2. Democratization of the Army and improvement in fighting effectiveness at the front for proper defence of Russian freedom.

3. Reestablishment of internal order by State control of food supplies and transport.

4. Agrarian policy on basis of land for the people.

5. Reorganization of existing financial system, with a view to the transference of the burden of taxation to the wealthy and property-owning classes.

6. Earliest possible meeting of the Constituent Assembly.

7. Socialist Ministers to be responsible to the Soviet of Workmen's and Soldiers' Delegates.

15. DECLARATION OF POLICY OF THE COALITION GOVERNMENT,
MAY 16, 1917

(*London Times*, May 21, 1917, p. 8, c. 4)

The Provisional Government, reorganized and reinforced by the representatives of the Revolutionary Democracy, declares that it will energetically carry into effect the ideas of liberty, equality, and fraternity, beneath the standards of which the great Russian Revolution came to birth.

The Provisional Government is united as to the fundamental lines of its future action, as follows:

1. In its foreign policy the Provisional Government, rejecting, in concert with the entire people, all thought of a separate peace, adopts openly as its aim the reestablishment of a general peace which shall not tend towards either domination over other nations, or the seizure of their national possessions, or the violent usurpation of their territories—a peace without annexations or indemnities, and based on the rights of nations to decide their own affairs.

In the firm conviction that the fall of the régime of Czardom

in Russia and the consolidation of democratic principles in our internal and external policy will create in the Allied democracies new aspirations toward a stable peace and the brotherhood of nations, the Provisional Government will take steps toward bringing about an agreement with the Allies on the basis of its declaration of April 9.

2. Convinced that the defeat of Russia and her Allies would not only be a source of the greatest calamities to the people, but would postpone or make impossible the conclusion of a world-wide peace on the basis indicated above, the Provisional Government believes firmly that the Russian Revolutionary Army will not suffer the German troops to destroy our Western Allies and then throw themselves upon us with the full force of their arms.

The development of the principles of democratization in the Army and the development of its military power, both offensive and defensive, will constitute the most important task of the Provisional Government.

3. The Provisional Government will fight resolutely and inflexibly against the economic disorganization of the country by the systematic establishment of governmental control of the production, transport, exchange and distribution of commodities and in necessary cases it will have recourse also to the organization of production.

4. Measures for the protection of labor in every possible way will continue to be promoted further with energy.

5. Leaving it to the Constituent Assembly to deal with the question of transferring land to the workers and proceeding with preparatory measures relative thereto, the Provisional Government will take all necessary steps toward ensuring the greatest possible production of the cereals required by the country and toward furthering the systematic utilization of the soil in the interests of the national economy and of the working classes.

6. Looking forward to the introduction of a series of reforms of the financial system upon a democratic basis, the Provisional Government will devote particular attention to the increasing of direct taxes on the wealthy classes—inheritance taxes, taxes on excessive war profits, a property tax, etc.

7. Efforts to introduce and develop democratic units of self-government will be continued with all possible speed and assiduity.

8. The Provisional Government will also make all possible efforts to bring about, at the earliest date practicable, the calling together of a Constituent Assembly in Petrograd.

Resolutely adopting as its aim the realization of the programme indicated above, the Provisional Government declares categorically that fruitful work is possible only if it has the full and absolute confidence of the entire revolutionary people and the means of exercising to the utmost the powers essential to the confirmation of the victories of the Revolution and to their further development.

Addressing to all citizens a firm and urgent appeal for the safeguarding of the unity of power in the hands of the Provisional Government, the latter declares that, for the safety of the country, it will take the most energetic measures against all attempts at a counter-revolution, as well as against all anarchical, illegal or violent acts calculated to disorganize the country and prepare the ground for a counter-revolution.

The Provisional Government believes that, thus proceeding, it will have the firm support of all those to whom the freedom of Russia is dear.

PRINCE LVOV, KERENSKY, PEREVEIEZEV, TERESTCHENKO, NEKRASSOV, KONOVALOV, TCHERNOV, TSERETELI, SKOBEL'EV, PIETCHEKHONOV, V. LVOV, GODNEV.

16. DECLARATION OF THE PETROGRAD SOVIET IN REGARD TO THE KRONSTADT REVOLT

(*Le Temps*, June 13, 1917, p. 2, c. 1-2)

1. The refusal of the Kronstadt Soviet to recognize the legitimacy of the Provisional Government signifies a break with the revolutionary democracy which has sent representatives to all the governments which have expressed their confidence in it.

2. Such an act is a blow at the Revolution and would lead to

its ruin; the contradictory decisions of the Kronstadt Soviet prove that it is incapable of resisting the anarchist elements.

3. The imprisonment of hundreds of persons without specific accusations or preliminary trials and their internment in the worst dungeons of Czardom are acts of vengeance which cover the Revolution with shame.

Realizing that these acts of disorganization create a fertile field for counter-revolution, are contrary to the will of the Revolutionary Democracy and are only possible because Kronstadt, being a fortress, abounds in provisions and all that is necessary, and is unaware of the fate and the perils from which all Russia is suffering,

Expressing our confidence that the majority of the population of Kronstadt will remain faithful to the Revolution and will march hand in hand with Russia to strengthen the Revolutionary power, the Petrograd Soviet decides:

1. We demand of all the inhabitants of Kronstadt the immediate execution of the provisions which the Provisional Government shall deem fit to decree in the interest of the Revolution and to secure the country against the foreign foe;

2. We desire to bring this decision by telegraph to the knowledge of all the Kronstadt forts, to the garrisons and vessels of the Baltic Fleet, as well as to all the Soviets of Soldiers and Workers in Russia.

17. RESOLUTION OF THE FIRST ALL-RUSSIAN CONGRESS OF SOVIETS ABOLISHING THE DUMA

(*London Times*, June 28, 1917, citing dispatch of June 23)

Whereas lately a group of members of the State Duma, speaking in its name, has been trying under cover of imperialistic ideas to become the center for collecting a force to act against the Revolution and the Democracy, the All-Russian Congress of Workmen's and Soldiers' Delegates, deeming it necessary to establish the Revolution and having abolished the old régime, (a) abolishes the State Duma and the State Council (Council of the Empire) as the State law-giving institutions; (b) deprives the

members of these two institutions of the right to use the name of deputies or members of the Council given them by the old régime, and resolves that the Provisional Government must cease putting funds at the disposal of these institutions for their maintenance as law-giving organs, and that, therefore, the members of the Duma and the State Council in their public appearances express the opinions of a group of private citizens of free Russia, having no mandate. The Socialist members of the Provisional Committee of the Duma are asked immediately to resign.

18. RESOLUTION OF THE FIRST ALL-RUSSIAN CONGRESS OF SOVIETS

(*Le Temps*, June 24, 1917, p. 2, c. 2)

1. Believing that at the present juncture the concentration of all power in the hands of the bourgeoisie alone would strike a death blow at the cause of the revolution, and that, on the other hand, the handing over of all power to the soviets would have considerably weakened the revolutionary forces, the congress approves the creation of a coalition government;

2. The congress recognizes as satisfactory the explanations of the ministers in regard to the general policy of the government, which it approves;

3. It invites the provisional government to realize energetically the program of the policy it has adopted, and particularly to lead to a common peace without annexations or contributions, based on the right of people themselves to organize their political future, to combat vigorously the financial and economic crisis, to struggle energetically against all attempts at counter-revolution, to publish in the near future agrarian and labor laws giving satisfaction to the wishes of the laboring classes, and to coordinate the revolutionary forces by reorganizing the system of local administration and introducing autonomous municipal government where it has not hitherto existed.

The congress insists upon the immediate convocation of a constituent assembly and demands, for the complete realization of this program, the creation of one sole organ representing all the

organized democracy of Russia, an organ which will find in its midst peasant deputies and before which the socialist ministers will be responsible for the entire domestic policy of the government.

(NOTE: This resolution, prepared by the Mensheviki, was passed by the All-Russian Congress of Soviets by a vote of 543 to 126.)

19. APPEAL OF THE RUSSIAN PROVISIONAL GOVERNMENT TO THE
PEOPLE OF THE UKRAINE, JUNE 30, 1917

(*Bulletin Periodique de la Presse Russe*, No. 51, August 29,
1917, p. 3)

CITIZENS OF THE UKRAINE!

In these days of trial, the Provisional Government addresses itself to you in the name of free Russia. The conquests of the revolution are in danger. If Russia succumbs under the blows of the foreigner or of the enemies of liberty, it is done in the common cause. To guide the country through these trials, to convoke the Constituent Assembly in which all the peoples of Russia may openly express their will—such is the mission which the government has proposed to assume, as the provisional depositary of revolutionary authority. This mission is also yours, citizens of the Ukraine. Are you not a part of free Russia? Is not the fate of the Ukraine indissolubly linked up with the fate of liberated Russia? Who can doubt that democratic Russia will guarantee the rights of all nationalities which she embraces? The peoples will be able, through the medium of their representatives at the Constituent Assembly, to give themselves the political and economic régime which best satisfies their national aspirations.

Filled with a deep sympathy and the feeling of its duty toward the Ukrainian people, the Provisional Government is endeavoring to efface all traces of the oppression which weighed upon it. It considers it as an obligation to enter into an understanding with the democratic organs of the Ukraine in regard to the transitional measures which may be taken to guar-

antee the rights of the Ukrainian people in local administration, in the schools and in the courts—measures which prepare for the passing to the definitive régime of liberty which the Ukraine is to receive at the hands of the Constituent Assembly.

But the complete reform of the political and military organization of Russia is impossible under the fire of the enemy and in the presence of the great dangers which menace liberty within the country. Ukrainian brethren, do not enter into the fatal way of sapping the forces of liberated Russia. Do not detach yourselves from the common fatherland; do not dissolve the common army in the hour of danger. Do not bring fratricidal discord into the ranks of the people at the hour when the exertion of every effort is indispensable for the defence of the country. In your impatience to fix now the forms of the political organization of the Ukraine, do not strike a fatal blow at the whole State and at yourselves, for the ruin of Russia would also be the ruin of your cause. Let all the peoples of Russia close ranks closely in the struggle against internal and external dangers. Let them reserve the definitive solution of all the fundamental questions to the Constituent Assembly, where they will themselves decide the fate of the common fatherland and of all the territories composing it.

20. DECLARATION OF THE PROVISIONAL GOVERNMENT (THIRD COALITION), JULY 22, 1917

(Sack, A. J., *The Birth of the Russian Democracy*, pp. 432-433)

CITIZENS: The evil hour has struck. The troops of the German Emperor have broken through the front of the Russian people's revolutionary army. This horrible task has been made easier for them by the criminal light-mindedness and blind fanaticism of some, by the disloyalty and betrayal of others. The former as well as the latter have been threatening the very foundations of a newly freed Russia with ruin and disintegration. At this threatening moment, when the counter-revolutionary forces that have been in hiding take advantage of the general turmoil to come out, the reorganized Provisional Govern-

ment fully realizes the responsibility, the whole burden of which falls upon its shoulders. But the Government has firm faith in the might of the great Russian people; the Provisional Government believes in the rapid recovery of the political life of the country after the contagious disease undermining the people's organism has come to the surface and ended in an acute crisis; the Provisional Government believes that this crisis will lead to recovery and not to death.

Strong in its faith, the Provisional Government is ready to act and will act with all the energy and determination that the extraordinary times require. The Provisional Government regards as its first and basic task the concentration of all the forces for the struggle with the external enemy and for guarding the new governmental order from the various anarchistic and counter-revolutionary attempts, not stopping before the most resolute measures. In its foreign policies, the Provisional Government will also again and again prove that the Revolutionary Army can fight, firmly convinced that not a single drop of blood of a Russian soldier will be shed for purposes foreign to the Russian democracy that has openly declared its peace formulas before the whole world.

For this purpose the Provisional Government, in view of the principles of foreign policy announced in the Government's declaration of the 19th of May, intends to invite the Allies to assemble an Allied conference during the month of August, in order to determine the general tendency of the Allies' foreign policy and to harmonize their action with the principles announced by the Russian Revolution.

Continuing the work of governmental organization in other spheres also, on the basis laid down in the declaration of May 19th, the Provisional Government thinks it necessary to carry through measures that will help realize the principles referred to above.

The Provisional Government will adopt all measures necessary to insure that the elections to the Constituent Assembly take place at the appointed time, September 30th, and that all the preliminary arrangements are completed in advance, in order to secure regular and honest elections.

The speediest inauguration of cities' and zemstvos' autonomy on the basis of general, direct, equal and secret franchise and its general promulgation is the paramount task of the Government in the sphere of interior policies. Attaching special importance to the creation of organs of local self-government that will have the confidence of the whole population, the Provisional Government will now call upon the representatives of public organizations to form collegial bodies of provincial administration uniting a series of governments.

Striving to carry out consistently the principles of civic equality, the Provisional Government will issue a decree ordering the abolition of all castes and the elimination of all civil titles, as well as all legions of honor, with the exception of those given for military distinction.

For a decisive struggle against economic ruin and for the further promotion of measures for the protection of labor, the Economic Council formed by the Provisional Government and the Main Economic Committee will be immediately set to work; their task is to formulate a general plan of organization of the nation's economic life and labor, the working out of bills and general measures for the regulation of the economic life, for the control of industry, and also for the practical execution of these plans.

In the sphere of labor policies, bills concerning the freedom of coalition, labor markets and reconciliation chambers have been drafted and in the next few days will be passed. Bills regarding an eight-hour day, the safeguarding of labor and the inauguration of all kinds of social insurance in all the branches of hired labor are being prepared.

The measures that the Provisional Government will adopt in regard to the agrarian question are, as formerly, determined by their conviction that in accordance with the basic needs of our national economy, with the repeatedly expressed desires of the peasantry and with the programs announced by all the democratic parties, the agrarian reform must be based on the idea of transferring the land into the hands of the toilers. On this very basis is the project for agrarian reform being prepared for the consideration of the Constituent Assembly.

Having announced its plans and the tasks before it, the Provisional Government presumes that it has the right, in its difficult and responsible work, to count upon the unlimited and enthusiastic support of all the living forces of the country. It demands from all the people their constant readiness to sacrifice all their property, their very life, for the salvation of the country that is no longer a stepmother for the peoples that inhabit her, that is striving to unite them on the principles of freedom and equality.

21. DECREE OF THE COUNCIL OF FIVE PROCLAIMING THE RUSSIAN
REPUBLIC, SEPTEMBER 14, 1917

(*Bulletin Periodique de la Presse Russe*, No. 56, p. 5, November 11, 1917)

The revolt of General Kornilov has been crushed: but it has brought great trouble in the ranks of the army and in the country, and grave dangers menace anew the fatherland and liberty. Judging it necessary to put an end to the indeterminateness of the political régime, and remembering the enthusiasm with which the republican idea was unanimously welcomed at the Conference of Moscow, the Provisional Government declares that the political régime of the country is the republican régime and it proclaims the Russian Republic.

22. DECLARATION OF THE PROVISIONAL GOVERNMENT (FOURTH
COALITION), OCTOBER 8, 1917 (in part only)

(Sack, A. J., *The Birth of the Russian Democracy*, pp.486-487)

In the firm consciousness that only a general peace will enable our great Fatherland to develop all its creative forces, the Provisional Government will continue incessantly to develop its active foreign policy in the spirit of the democratic basis proclaimed by the Russian Revolution.

Acting in complete accord with the Allies, the Provisional Government will, in the next few days, take part in the confer-

ence of the Allied Powers. At this conference the Provisional Government will be represented, among other delegates, by one who particularly enjoys the confidence of the democratic organizations.

At this conference our representatives, together with the solution of common questions and military problems, will strive towards an agreement with the Allies on the ground of the principles proclaimed by the Russian Revolution.

Striving for peace, the Provisional Government will, however, use all its forces for the protection of the common, Allied cause, for the defence of the country, for resolute resistance to any efforts to wrest national territory from us and impose the will of any foreign power on Russia, and for the repulsion of the enemies' troops from the borders of the Fatherland.

For the purpose of securing for the revolutionary authorities close contact with the organized public forces and thus imparting to the Government the necessary stability and power, the Provisional Government will in the next few days work out and publish a decree establishing a Provisional Council of the Republic. The Council, in which all classes of the population will be represented, and in which the delegates elected to the Democratic Conference will also participate, will be given the right of addressing questions to the Government and of securing replies to them in a definite period of time, of working out legislative acts and discussing all those questions which will be presented for consideration by the Provisional Government, as well as those which will arise on its own initiative. Resting on the cooperation of such a council, the Government, preserving, in accordance with its pledge, the unity of the governmental power created by the Revolution, will regard it its duty to consider the great public significance of such a council in all its acts up to the time when the Constituent Assembly will give full and complete representation to all classes of the population of Russia.

23. DECREE OF SOCIALIZATION OF LANDS, ADOPTED BY THE CONGRESS OF WORKERS', SOLDIERS' AND PEASANTS' DEPUTIES IN ITS SESSION ON THE NIGHT OF OCTOBER 26/NOVEMBER 8, 1917

(Labry, Raoul, *Une Legislation Communiste*, pp. 35-6)

1. The rights to large landed property are annulled without indemnification.

2. Large landed properties, as well as all the lands of appanages, monasteries, churches, with all the livestock and agricultural appliances, immovable properties and all their accessories, are placed at the disposal of the cantonal agricultural committees and of the soviets of the districts up to the Constituent Assembly.

3. The damages, whatever they may be, done to the properties belonging henceforth to the people are considered as grave crimes coming under the jurisdiction of the revolutionary tribunal. The district soviets will take all the necessary measures to maintain the most complete order on the confiscation of landed property, to determine what area and what parcels should be confiscated, to establish an exact inventory of all the confiscated properties and to guard against every attack the land which has passed to the people, with all the buildings, material, livestock, and stocks of produce.

For the realization of the large agrarian reforms, authorities will be guided, everywhere, up to the meeting of the Constituent Assembly, by the following "instructions" drawn up on the basis of the "instructions" adopted by 252 local peasant societies by the poor soviet of peasant deputies and published in No. 88 of the *Izvestia* of August 19, 1917. [Omitted.]

4. The lands of the cossacks, who are simple soldiers, and of peasants are not subject to confiscation.

24. DECREE ON THE PROMULGATION OF THE LAWS, OCTOBER 30/
NOVEMBER 12, 1917

(Labry, Raoul, *Une Legislation Communiste*, p. 26, citing the *Novaia Jizn* of October 31/November 13, 1917)

1. Up until the meeting of the Constituent, the elaboration and the promulgation of laws will be done according to the present instruction of the Government of Workers and Peasants, elected by the National Congress of Soviets of the Workers', Soldiers' and Peasants' deputies.

2. Every draft of a law is presented for the examination of the government by the competent commissariat, under the signature of the People's Commissary, or by the bureau created by the Government for drafts of laws, under the signature of the director of the department.

3. After confirmation by the Government, the definite text is signed, in the name of the Republic of Russia, by the President of the Council of the People's Commissaries, or, in his place and stead, by the commissary of the people who shall have presented the draft for the Government's examination, after which it shall be brought to the knowledge of the public.

4. The day of the entry into force of the law shall be the day in which it shall have appeared in the official journal "Gazeta Rabotchavo Krestianskavo Pravitielstva" (Journal of the Government of Workers and of Peasants).

5. Another date may be given for the entry into force, and likewise this entry into force may be determined by telegraph. In this case it starts from the moment when the telegram has been published in each locality.

6. The publication of laws of the Government by the Governing Senate is abolished. The department of draft bills attached to the Council of the People's Commissaries will edit collections of laws and instructions.

7. The Central Executive Committee of the Soviets of Workers', Soldiers' and Peasants' deputies has the right, at all times,

to suspend, modify, or annul every instruction (arrêté) of the government.

In the name of the Republic of Russia,

The President of the Council of the People's Commissaries
ULIANOV (LENIN).

25. DECLARATION OF THE RIGHTS OF THE PEOPLES OF RUSSIA,
NOVEMBER 2/15, 1917

(Labry, Raoul, *Une Legislation Communiste*, pp. 33-4, citing
Pravda, November 3/16, 1917)

The October Revolution of the workers and peasants has begun under the common banner of deliverance.

The peasants have been freed from the yoke of the great landed proprietors, for there is no more private property in land—it is abolished.

The soldiers and sailors have been freed from the power of autocratic generals; the generals henceforth will be elected and removable at pleasure. The workers have been freed from the caprices and the arbitrariness of the capitalists, for starting from today control will be established by the workers over the workshops and the factories.

There remain but the peoples of Russia, who have been forbearing and have bided their time under the yoke and the arbitrariness, and whom it is necessary immediately to enfranchise and liberate.

In the epoch of Czarism, the peoples of Russia were aroused against each other. The results of this policy are known: massacres and pogroms on one side, enslaving of peoples on the other.

There can be no return to this shameful policy. Today it must be replaced by a voluntary and honest policy of union of the peoples of Russia.

In the epoch of imperialism, after the February revolution, when power passed into the hands of the Cadet bourgeoisie, the policy of incitation was replaced by a dastardly policy of distrust of the peoples of Russia, a policy of chicanery and provo-

education covering itself by the words of "liberty" and of "equality" of peoples. The results of this policy are known: increase of the antagonism between nationalities, lack of mutual confidence.

This unworthy policy of lies and mistrust, of chicanery and provocation must be definitely ended. It must be replaced today by an open and honest policy, leading to a complete mutual confidence of the peoples of Russia.

It is only thanks to such a confidence that the honest and solid union of all the peoples of Russia can be formed.

It is only thanks to such a union that the workers and peasants of Russia can be welded into a revolutionary force capable of defending itself against every attack on the part of the imperialist and annexationist bourgeoisie.

Starting on this principle, the first congress of soviets, in the month of June of this year, proclaimed the right of the peoples of Russia to self-determination.

The second congress of soviets in the month of October last confirmed this right in a more decisive and more precise fashion.

Executing the will of these soviets, the council of the people's commissaries has resolved to be guided in the question of nationalities by the following principles:

1. The equality and sovereignty of the peoples of Russia.
2. The right of the peoples of Russia to dispose of their own fate, even to separation and the establishment of an independent state.
3. Abolition of all privileges and limitations, national or religious.
4. Free development of national minorities and ethnographic groups inhabiting Russian territory.

Decrees will be prepared immediately after the creation of a commission on nationalities.

In the name of the Russian Republic,
The People's Commissary for Nationalities,

IOUSSIF DJOUGACHVILI STALIN.

The President of the Council of the People's Commissaries,
V. ULIANOV.

26. DECREE ON THE ABOLITION OF CLASSES AND TITLES, NOVEMBER 10/23, 1917

(Labry, Raoul, *Une Legislation Communiste*, pp. 34-5, citing *Pravda*, November 12/25, 1917)

Article 1. All classes and divisions into classes, all privileges and delimitations of classes, the organizations, the institutions of classes and all civil grades are abolished.

Article 2. All classes (nobles, merchants, lesser bourgeois, peasants, etc.) and titles (of prince, count, and others) and the denominations of civil rank (privy councillor of state, and others) are abolished and there is established the one general designation of citizen of the Republic of Russia.

Article 3. The properties of the class institutions and of the nobility are to pass immediately to the corresponding institutions of the zemstvos.

Article 4. The properties of merchant and bourgeois societies are to pass immediately to the corresponding authorities of the cities.

Article 5. All the institutions of classes, all their business, procedure and archives are to pass to the administration of the corresponding institutions of the cities and the zemstvos.

Article 6. All existing laws on the foregoing subjects are abolished.

Article 7. The present decree enters into force starting from the day when it shall be published and will be applied by the Soviets of Workers', Soldiers' and Peasants' Deputies.

The present decree has been confirmed by the Central Executive Committee of the Soviets of Workers', Soldiers' and Peasants' Deputies, in the session of November 10, 1917, and has been signed by

The President of the Central Committee, SVERDLOV.

The President of the Council of the People's Commissaries,

ULIANOV.

The Director of Affairs of the Council of the People's
Commissaries, BONTCH-BROUEVITCH.

The Secretary of the Council, N. GORBOUNOV.

27. DECREE ON THE EDITING AND PUBLISHING OF LEGISLATIVE
AND GOVERNMENTAL ACTS

(Labry, Raoul, *Une Legislation Communiste*, p. 27, citing *Gazeta Rabotchavo Krestianskavo Pravitelstva*, January 30/February 12, 1918)

1. The legislative acts and the more important governmental acts, the proposals of the different departments, are prepared and drawn up in the interested department and laid before the section of legislative proposals of the People's Commissariat for Justice at the same time that they are brought before the Council of the People's Commissaries.

2. After an examination of the said proposals in the section of legislative proposals, they are directly returned with the advice of the conference of the section to the department and to the Council of the People's Commissaries.

3. The representative of the section of legislative proposals attends, with a consultative voice, at the meeting of the Council of the People's Commissaries.

4. A copy of all acts which are to be published on the decision of the Council of the People's Commissaries, when verified by the secretary of the Council of the People's Commissaries, is sent to the People's Commissariat for Justice.

5. All acts thus transmitted are verified in regard to the exactness and conformity of the text in the sitting of the editorial conference of the section of publication and of codification and of the corresponding division of the section of legislative proposals, then they are printed in the Collection of Laws and Decrees of the Government of Workers and Peasants. The originals of the acts are kept in the archives of the Government.

6. In case of doubt, the conference on the subject of editing submits the case to the decision of the Commissaries of the People.

7. The text of the legislative or governmental act printed in

the Collection of Laws and Decrees of the Workers' and Peasants' Government is considered as the authentic text.

The President of the Council of the People's Commissaries,
ULIANOV.

The Director of Affairs of the Council of the People's
Commissaries,

BONTCH-BROUEVITCH.

The Secretary of the Council,

N. GORBOUNOV.

28. CONSTITUTION VOTED BY THE SECOND ALL-RUSSIAN CONGRESS OF SOVIETS, NOVEMBER 17/30, 1917

(Labry, Raoul, *Une Legislation Communiste*, p. 1, citing the *Novaia Jizn* of November 18/30, 1917)

On November 17/30, 1917, the Central Executive Committee of the Soviets of Soldiers', Workers' and Peasants' Deputies voted the following constitution, determining the reciprocal relations of the Central Executive Committee and of the Council of the People's Commissaries:

1. Conformably to the decision of the Second National Congress of the Soviets of Workers' and Soldiers' Deputies, the Council of the People's Commissaries as a whole is responsible to the Central Executive Committee.

2. All the legislative acts and all the important decisions of a general political character are submitted to the examination and the ratification of the Central Executive Committee.

3. Measures to combat the counter-revolution may be taken directly by the Council of the People's Commissaries, under reservation of its responsibility before the Central Executive Committee.

4. Once a week, each Commissary of the People renders an account of his acts to the Central Executive Committee.

5. An immediate answer must be given to the interpellations raised by the Central Executive Committee. An interpellation, to be valid, must be presented by at least 15 members of the Central Executive Committee.

29. INSTRUCTIONS CONCERNING THE REELECTION OF THE PETROGRAD SOVIET, DECEMBER 13, 1918

(Labry, Raoul, *Une Legislation Communiste*, pp. 18-20, citing the *Commune du Nord*, No. 178, December 13, 1918)

The reelection of the Petrograd Soviet will take place on the following bases:

1. The men and women workers in establishments which are running will elect to the Petrograd Soviet one representative for 500 electors.

2. Establishments occupying from 200 to 500 men and women workers will elect one representative. Less important establishments will be grouped.

3. The Red Army and the sailors will elect one representative for every 200 electors.

4. Military formations having an effective of less than 200 persons will each send one representative to the Soviet.

5. Ward soviets will be constituted by the distribution of the representatives elected among the wards, which will avoid the necessity of new elections to the ward soviets.

6. Those without work enjoy equal electoral rights to those of the workers. Nevertheless, their representation will not be organized except with the assistance of the professional unions.

7. Representation of professional associations or of producers:

- a. Petrograd Council of professional unions: one representative for 5,000 members;

- b. Professional associations or associations of producers registered at the Petrograd Council of professional unions and having at least 2,000 members: two representatives per association;

- c. Professional sections recognized by law counting at least 500 members (small industry, commerce, transports, etc.): one member elected by the general assembly or the council of delegates of the section;

- d. The members of professional associations (unions or sections) not participating in the general elections in the large enterprises (factories, workshops, commercial and industrial enter-

prises, social institutions, artizans, employees and workers of social enterprises and institutions, unemployed members of unions, etc.): one representative for 500 electors;

e. The elections take place conformably to the general electoral instructions, under the control of the Petrograd Council of professional unions;

f. The Petrograd Council of professional unions is charged with elaborating the method of electoral procedure as regards the representation of professional organizations.

8. The period of the elections is fixed for the 16th to the 23rd of December.

9. Each election is certified in an official record.

10. The elections will be directed by a central electoral commission made up of the representatives of the Petrograd Soviet, of the central council of professional unions and of the military section.

11. The ward soviets organize electoral commissions of similar composition.

12. Each electoral record must contain the signature of the president of the central or ward electoral commission.

13. The central and ward electoral commissions must be officially notified, at least twenty-four hours in advance, of the hour and place of each electoral assembly.

14. Among the political parties, only those who receive at least 50 representatives elected by the Red Army or the workers can be represented on the Soviet. These parties may send to the Soviet one representative for every 50 representatives elected.

Comrades Zorine, Archavski, Ancellovitch, Mitranof, and Kejuz form part of the Central Electoral Commission. Address: Smolny, Room No. 59, Telephone 101.97, from midday till 3 o'clock.

The ward soviets are asked to name immediately the members of the ward electoral commissions.

30. DECISION OF THE COUNCIL OF WORKERS' AND PEASANTS' DEFENCE (AGAINST REGIONAL SEPARATISM AND BUREAUCRATIC FORMALISM), DECEMBER 14, 1918

(Labry, Raoul, *Une Legislation Communiste*, pp. 20-22, citing the *Commune du Nord*, No. 179, December 14, 1918)

Soviet Russia has consolidated and organized herself in the revolutionary year just elapsed. Internal counter-revolution has been reduced to impotence. We have put an end to the offensive of the imperialists. We have seen a Red Army created which is defending valiantly the unity and the independence of Russia. The factories and workshops have been set going once more. The transport and food supply services have been put in good order. The mechanism of power of the soviets works without ceasing.

Nevertheless, the foregoing does not yet realize all that is needed. The new offensive of world imperialism and the transformation of Russia into an armed camp raise new problems, demanding the stretching of all efforts. An extraordinary solidarity of the forces of the soviets, the severe centralization of action, the rapidity and exactness of execution are necessary: to bring the defensive power of the country to the desired height, it is important to bring to perfection the functioning of the soviet mechanism.

We would not know how to attempt to vanquish imperialism under other conditions.

Now, many of the regional and local soviet institutions have not yet taken exact account of the needs of the moment which admit of no temporizing. There are regional institutions which continue to promulgate their laws and decrees, which complicates and embroils the work of general legislation of the Republic of Soviets. In the different regions and localities a series of obstacles and prohibitions are encountered which, creating hindrances to the free movement of travellers and to the transportation of produce over the territory of the republic, paralyze the work of the central authority which is trying to export the surplus foodstuffs from richly provided localities to those which

are suffering from lack of bread. One can see published in the localities, by the authorities of the regions, ordinances compromising the results of the measures ordained by the central authorities for the disposal of the goods of the republic, such as relate to customs houses, workshops, merchandise which has been evacuated and provisions of all kinds. Finally, coming to clog the mechanism of the apparatus of government, the prodigious development of the correspondence between different institutions and the dangerous progress of bureaucratic formalism constitute a great peril which threatens to submerge the creative force of soviet power under floods of waste paper.

All this hampers the perfecting of the mechanism of power of the soviets and compromises the success and the rapidity of the food supply necessary to the army and the population.

Basing its action on the foregoing considerations the Council of Defence orders as follows:

1. The circulars and ordinances of regional and local soviet institutions must be immediately abrogated to conform to the prescriptions of the competent commissaries of the people in all cases where these circulars and ordinances run counter to the orders of the central authorities relative to the removal of persons or products.

2. Likewise, in conformity with the prescriptions of the competent commissaries, the circulars and ordinances of regional and local soviet institutions which run counter to the activity of the central authorities in all that concerns the disposition of the people's property (customs houses, nationalized enterprises, evacuated merchandise, objects kept in military or other depots, etc.) must be immediately abrogated.

5. Regional and local soviet institutions are enjoined to execute without demur, and with the most severe exactness, all the decisions and all the orders of the central authorities.

4. A definite stop must be put to the prodigious increase in the correspondence of soviet institutions, as well as to bureaucratic formalism, both in the central and the local institutions. The orders of the central authorities must be executed without delay by replacing current correspondence through telephonic communications and "circular letters" by telephonograms and

by compulsorily verifying the execution of each order and decision.

The President of the Council of Workers' and Peasants' Defense,

V. ULIANOV.

31. DECISION OF THE CENTRAL EXECUTIVE COMMITTEE OF THE
SIXTH ALL-RUSSIAN CONGRESS OF SOVIETS CONCERNING
REGIONAL GROUPINGS, DECEMBER 23, 1918

(Labry, Raoul, *Une Legislation Communiste*, pp. 24-5, citing the
Commune du Nord, No. 195, January 3, 1919)

1. Up until the radical rearrangement of the administrative divisions of the Republic of Soviets, the centers of the districts, governments and regions are to remain the same.

NOTE. The regional organs of the central industrial region (region of Moscow) are abolished.

2. The Central Executive Committee determines the formation of the regional groupings of the Ural, the West and the North.

3. These groupings embrace:

The Ural grouping: The Governments of Perm, Viatka, Ufa, and Orenburg;

The West grouping: The Governments of Smolensk, Mogilev, Vitebsk, Minsk and Grodno;

The North grouping: The Governments of Petrograd, Olonetz, Pskov, Novgorod, Archangel, Tcherempovetz and the North Dwina.

NOTE. The gubernia congresses of soviets of the workers and soldiers of the Red Army have the right to decide their exclusion from the regional grouping after ratification by the bureau of the All-Russian Central Executive Committee.

4. The aim of regional groupings is to put rapidly and rigorously into execution all measures ordered by the central soviet authorities. The regional groupings are the local auxiliary organs of the center.

5. The central institutions of the All-Russian Central Executive Committee, the Council of the People's Commissaries, and

the People's Commissariats correspond with the local institutions either through the intermediation of the regional groupings, or directly, informing, in the latter case, the regional center of all the orders given.

NOTE. The present decision does not concern the regional All-Russian groupings previously organized, whose hierarchical and administrative relations are governed by special statutes.

6. The local soviet institutions correspond with the center through the intermediary of the regional groupings. The local soviet institutions have likewise the right to correspond directly with the center, while keeping the regional grouping informed.

7. The regional centers exercise their authority in the localities through the intermediary of the governmental centers.

8. All the orders and circulars of general importance are simultaneously communicated to the regional, governmental and district centers.

9. Institutions and enterprises of general importance derive their authority from the competence of the central soviet institutions.

10. In the localities where the regional executive committee sits, the local gubernia executive committee fuses with the regional committee and the sections of the gubernia committee with those of the regional committee.

11. The regional executive committees form, up until the definitive revision of this question by the All-Russian Central Executive Committee, the following sections: (1) Administration; (2) Extraordinary Commission for Fighting against Counter-revolution; (3) Finances; (4) Labor; (5) Justice; (6) Public instruction; (7) Agriculture; (8) Council of National Economy; (9) Food Supply.

12. The administrators of the regional sections are confirmed in their functions by the respective Commissariats of the People.

13. The administrators of regional sections have the right to sit, with a consultative voice, in the sessions of the collegia of the People's Commissariats.

14. The All-Russian Central Executive Committee enjoins all the People's Commissariats to convoke in conference representatives of regional sections to decide upon all questions relating

to the further existence and functioning of the regional sections, and to submit the regulations which these conferences elaborate for the approval of the All-Russian Central Executive Committee.

The President of the All-Russian Central Executive Committee,

J. SVERDLOV.

32. RESOLUTION OF THE TENTH ALL-RUSSIAN CONGRESS OF SOVIETS REGARDING THE UNION OF SOCIALIST SOVIET REPUBLICS, DECEMBER 27, 1922

(*Bulletin Periodique de la Presse Russe*, No. 116, p. 11, February 12, 1923, citing the *Moscow Pravda* and *Izvestia* of December 28, 1922)

1. The Tenth Congress of Soviets of Russia declares propitious the union of the Russian Socialist Federative Soviet Republic with the Socialist Soviet Republic of the Ukraine, the Socialist Federative Soviet Republic of Transcaucasia and the Socialist Soviet Republic of White Russia to form the Union of Socialist Soviet Republics (S.S.S.R.)

2. The union of the said republics is based on the principle of equality and free consent. Each of them may, if such is its desire, separate from the Union of Republics.

3. The Congress charges comrades Kalenin, Trotsky, Stalin, Rykov, Kamenev, Tsiouroupa, Molotov, Sokolnikov, Sapronov, Piatakov, Roudzoutak, Bogdanov, Enoukidze, Kourski, Khidir-Aliev, Mendechov, Korkmassov, Said-Galiev, Mouhtarev, Khalikov, Yanson, Mansourov, Rahimbaiev, to elaborate a project of declaration of the union of the republics in accord with the representatives of the Ukraine, of the Republic of Transcaucasia, and of White Russia. In the said declaration mention shall be made of the circumstances which have necessitated the union of the republics into a confederated state.

4. The Congress charges the above delegation to elaborate the conditions of entry of the Russian Socialist Federative Soviet Republic into the Union of Republics. It must pledge itself in

the examination of the agreement with the Union to defend the following principles:

(a) The constituting of executive and judicial organs.

(b) The fusion of the commissariats of War, Marine, Ways and Communications, Foreign Affairs, Foreign Commerce, Posts and Telegraphs.

(c) The subordination of the commissariats of Finance, Food Supply, National Economy, Labor and of Inspection of Labor of the contracting republics to the directions of the corresponding commissariats.

(d) The complete guarantee of the national interests of the contracting republics.

5. The delegation is bound to present the project of agreement for the approbation of the Presidium of the Central Executive Committee of Russia before its being communicated to the Congress of the Union of Republics.

6. After approval by the Central Executive Committee of Russia of the conditions of unification, the delegation is charged to conclude the agreement of the Russian Socialist Federative Soviet Republic with the Socialist Soviet Republics of Transcaucasia, Ukraine and White Russia.

7. The agreement shall be presented for approval to the First Congress of the Union of Republics.

33. DECLARATION IN REGARD TO THE CONSTITUTION OF THE UNION OF SOCIALIST SOVIET REPUBLICS, MOSCOW, DECEMBER 30, 1922

(Bulletin Periodique de la Presse Russe, No. 116, p. 12, February 12, 1923)

Since the formation of the Soviet Republics, all the countries in the world have been divided into two camps: the camp of capitalism and the camp of socialism.

In the camp of capitalism there reigns national hostility, inequality, colonial slavery and chauvinism, the oppression of nationalities, pogroms and imperialist atrocities.

On the contrary, in the socialist camp there is mutual confi-

dence and peace, national liberty and equality, the coexistence and fraternal collaboration of peoples. The attempts made by the capitalist world through long decades to solve the problem of nationalities by making the free development of peoples coincide with the exploitation of man by man have been fruitless. On the contrary, the skein of nationalist contradictions is becoming more and more tangled, thus menacing the existence of capitalism. The bourgeoisie have shown themselves incapable of harmonizing the collaboration of peoples. It is only in the camp of the soviets, only thanks to the dictatorship of the proletariat, which has grouped about itself the majority of the population, that it has been possible to destroy to its foundations national oppression, to create an atmosphere of reciprocal confidence and to establish the bases of a fraternal collaboration of peoples. It is only thanks to these circumstances that the soviet republics have succeeded in repulsing the attacks of the imperialists of the entire world both from within and from without. It is only thanks to these circumstances that the said soviet republics have been able to put an end to the civil war, assure their existence, and to consecrate themselves to the work of peaceful economic construction.

But the years of war have not passed without leaving their tracks. The devastated countryside, the closed factories, the destruction of productive forces and the exhaustion of economic resources are equally ruins left as a heritage of the war. These devastations render insufficient the isolated efforts of the separate republics towards economic reconstruction. On the other hand, the instability of the international situation and the danger of new attacks render inevitable the creation of a common front by the soviet republics against capitalist encirclement.

Finally, the very structure of soviet power, which is international in its class character, urges the laboring masses of the soviet republic to unite into one socialist family. All these considerations imperiously demand the union of the soviet republics into one confederated state capable of parrying foreign dangers and of assuring at the same time the internal economic prosperity and the free national development of the peoples.

The will of the peoples of the soviet republics expressed in the

recent congresses of their soviets which unanimously adopted the decision to form a Union of Socialist Soviet Republics is a certain guarantee that this union is indeed a free union of peoples equal in rights; that each republic has the right freely to leave the union; that entry into the union is open to all soviet republics, both those now in existence and those which may be formed in the future; that the new United-State will be the fitting consummation of the bases of peaceful coexistence and fraternal collaboration of peoples which were laid down in October, 1917; that it will be a sure barrier against world capitalism at the same time that it will constitute a new step in advance, a decisive step by way of uniting the workers of all countries into one World Socialist Soviet Republic.

In making this declaration in the face of the whole world and proclaiming solemnly the solidity of the principles of soviet power which have found their expression in the constitutions of the Socialist Soviet Republics in whose name we are empowered to act, we have resolved to sign the treaty for the formation of the Union of Socialist Soviet Republics.

34. TREATY OF UNION OF SOCIALIST SOVIET REPUBLICS, DECEMBER 30, 1922

(*Bulletin Periodique de la Presse Russe*, No. 116, pp. 12-13, February 12, 1923)

The Russian Socialist Federal Soviet Republic (R.S.F.S.R.), the Ukrainian Socialist Soviet Republic (U.S.S.R.), the White Russian Socialist Soviet Republic (B.S.S.R.), and the Trans-Caucasian Socialist Federal Soviet Republic (Georgia, Azerbaijan and Armenia), conclude the present Treaty of Union into one single federal state—the Union of Socialist Soviet Republics—on the following bases:

COMPETENCE OF THE UNION

1. The competence of the Union of Socialist Soviet Republics, exercised by its supreme organs, shall include:

- (a) Representation of the Union in international relations;
- (b) Modification of external frontiers of the Union;
- (c) Conclusion of treaties relative to the admission into the Union of new republics;
- (d) Declaration of war and conclusion of peace;
- (e) Negotiation of foreign state loans;
- (f) Ratification of international treaties;
- (g) Establishment of regulations for internal and external trade;
- (h) Establishment of the general plan and regulation of the national economy of the Union, and the conclusion of concessionary agreements;
- (i) Regulation of transport and of posts and telegraphs;
- (j) The establishment of the fundamental rules of organization of the armed forces of the Union of Socialist Soviet Republics;
- (k) Approval of a single state budget of the Union of Socialist Soviet Republics, the establishment of a monetary, fiduciary and credit system, as well as a system of general taxation and of taxes appropriate for each of the republics and local taxes;
- (l) Establishment of general principles of agrarian organization and use of the lands as well as of development of the subsoil, forests and waters throughout the extent of the territory of the Union;
- (m) Union legislation on emigration;
- (n) The establishment of principles of organization of the courts and of judicial procedure, and also civil and criminal legislation for the Union;
- (o) Establishment of fundamental labor legislation;
- (p) Establishment of general principles of public instruction;
- (q) Establishment of general measures regarding public health;
- (r) Establishment of a system of weights and measures;
- (s) Organization of a statistical service for the Union;
- (t) Fundamental legislation concerning the rights of foreigners within the civil community of the Union;
- (u) The right of general amnesty;
- (v) The abrogation of decisions of the Congresses of Soviets, of Central Executive Committees and of Councils of the People's Commissaries in the allied republics, which infringe the Treaty of Union.

THE UNION CONGRESS OF SOVIETS

2. The supreme organ of authority of the U.S.S.R. is the Congress of Soviets of the U.S.S.R. and, in the interval between Congresses, the Central Executive Committee of the U.S.S.R.

3. The Congress of Soviets of the U.S.S.R. shall be composed of representatives of the town soviets in the proportion of one delegate for every 25,000 electors, and of representatives of the provincial Congresses of Soviets on the basis of one delegate for every 125,000 inhabitants.

4. The delegates to the Congress of Soviets of the U.S.S.R. shall be elected at the provincial Congresses of Soviets.

5. Ordinary Congresses of Soviets of the U.S.S.R. shall be convoked by the Central Executive Committee of the U.S.S.R. once a year, extraordinary Congresses shall be convoked by the Central Executive Committee of the U.S.S.R. either on its own initiative or on the demand of at least two of the constituent republics.

THE UNION CENTRAL EXECUTIVE COMMITTEE

6. The Congress of Soviets of the U.S.S.R. elects members of the Central Executive Committee from among the representatives of the Republics of the Union, proportionately to the population of each, to the total number of 371.

7. Ordinary sessions of the C.E.C. of the U.S.S.R. shall be held three times a year. Extraordinary sessions are convoked either following a decision of the presidium of the C.E.C. of the U.S.S.R. or on the demand of the Council of the People's Commissaries of the U.S.S.R. or of the C.E.C. of one of the constituent republics.

8. The Congresses of Soviets and the sessions of the C.E.C. of the U.S.S.R. shall be convoked in the capitals of the Republics of the Union in the order established by the Presidium of the C.E.C. of the U.S.S.R.

9. The C.E.C. of the U.S.S.R. shall elect a Presidium which shall be the supreme organ of power in the Union in the in-

tervals between the sessions of the Central Executive Committee of the Union.

10. The Presidium of the C.E.C. of the U.S.S.R. shall consist of 19 elected members from among which the C.E.C. of the Union shall choose four presidents of the C.E.C. of the Union, according to the number of the Republics in the Union.

THE UNION COUNCIL OF PEOPLE'S COMMISSARIES

11. The executive organ of the C.E.C. of the Union shall be the Council of the Commissaries of the People of the U.S.S.R. (the Sovnarkom of the Union) elected by the C.E.C. of the Union for the duration of its powers and consisting of:

The President of the Council of the People's Commissaries of the U.S.S.R.

Vice Presidents.

The People's Commissary of Foreign Affairs.

The People's Commissary for War and Marine.

The People's Commissary for Foreign Trade.

The People's Commissary for Ways and Communications.

The People's Commissary for Posts and Telegraphs.

The People's Commissary for Workers' and Peasants' Inspection.

The People's Commissary for Labor.

The People's Commissary for Food.

The People's Commissary for Finance.

The President of the Supreme Economic Council.

GENERAL PROVISIONS

12. With a view to consolidating revolutionary legality in the territory of the U.S.S.R. and coordinating the efforts of the federated republics in the struggle against counter-revolution, a supreme court, exercising final judicial control, shall be created in the C.E.C. of the U.S.S.R. There shall likewise be created in the Council of People's Commissaries a unified organ of the State Political Department whose president shall form part of the Council of People's Commissaries in a consultative capacity.

13. The decrees and ordinances of the Council of People's

Commissaries of the U.S.S.R. shall be binding upon all the Republics of the Union and shall be carried out forthwith throughout the territory of the Union.

14. The decrees and ordinances of the C.E.C. and of the Council of People's Commissaries of the Union shall be published in the languages of current use in the Republics of the Union (Russian, Ukrainian, White Russian, Georgian, Armenian and East Turkish).

15. The Central Executive Committees of the republics of the Union may have recourse against the decrees and ordinances of the Council of People's Commissaries of the Union in the Presidium of the C.E.C. of the U.S.S.R. without thereby suspending their execution.

16. The ordinances and prescriptions of the Council of People's Commissaries of the U.S.S.R. may be annulled only by the C.E.C. of the U.S.S.R. and its Presidium. The decisions of the individual People's Commissaries of the U.S.S.R. may be annulled only by the C.E.C. of the U.S.S.R., its Presidium, or the Council of People's Commissaries of the Union.

17. The execution of prescriptions of the People's Commissaries of the U.S.S.R. may not be suspended by the C.E.C. or the Presidia of the Central Executive Committees of the Republics of the Union save in exceptional cases when there is a manifest discrepancy between the orders in question and the ordinances of the Council of People's Commissaries or of the C.E.C. of the U.S.S.R. The suspension of such orders shall be immediately brought to the attention of the Council of People's Commissaries of the U.S.S.R. and of the People's Commissary most directly concerned by the C.E.C. or the Presidium of the Republic of the Union involved.

18. The Council of People's Commissaries of each of the Republics of the Union shall be made up as follows:

- The President of the Council of People's Commissaries.
- Vice-Presidents.
- President of the Supreme Council of National Economy.
- People's Commissary for Agriculture.
- People's Commissary for Food.
- People's Commissary for Finance.

People's Commissary for Labor.
People's Commissary for Interior.
People's Commissary for Justice.
People's Commissary for Workers' and Peasants' Inspection.
People's Commissary for Public Instruction.
People's Commissary for Public Health.
People's Commissary for Social Welfare.
People's Commissary for Nationalities.

Fully empowered representatives of the People's Commissaries of the Union for Foreign Affairs, Foreign Commerce, Ways and Communications, and Posts and Telegraphs also participate in a consultative capacity.

19. The Supreme Council of National Economy and the People's Commissaries for Food, Finances, Labor, and Workers' and Peasants' Inspection of the Republics of the Union, while being immediately subordinated to the Central Executive Committees and to the Councils of People's Commissaries of the Republics of the Union, must conform in their activity to the prescriptions of the respective People's Commissaries of the U.S.S.R.

20. The Republics forming part of the Union have their own individual budgets, which form an integral part of the budget of the Union approved by the C.E.C. of the Union. The budgets of the Republics, as regards the revenues and expenditures, are drawn up by the C.E.C. of the Union. The list of revenues and the amount of each, forming part of the budgets of the Republics of the Union, shall be determined by the C.E.C. of the U.S.S.R.

21. A single nationality of the Union shall apply to all the citizens of the Republics of the Union.

22. The U.S.S.R. has its flag, its coat of arms, and its State seal.

23. The capital of the U.S.S.R. is the city of Moscow.

24. The republics of the Union shall modify their constitutions conformably to the present Treaty.

25. Ratification, modifications and additions to the present treaty are within the exclusive jurisdiction of the Congress of Soviets of the U.S.S.R.

26. Each Republic of the Union retains the right freely to

leave the Union. The present treaty has been signed by the members of the plenipotentiary delegations, to wit:

For the R.S.F.S.R. (signatures)

For the U.S.S.R. (Ukraine) (signatures)

For the Z.S.F.S.R. (Transcaucasian Republics) (signatures)

For the B.S.S.R. (White Russia) (signatures)

The President of the First Congress of the Union of Socialist
Soviet Republics,

KALENIN.

The Secretary of the First Congress,

A. ENOUKIDZE.

Moscow, December 30, 1922.

35. DECLARATION OF THE CONSTITUTION OF THE UNION OF SOCIALIST SOVIET REPUBLICS, JULY 13, 1923

(*Bulletin Periodique de la Presse Russe*, No. 124, p. 6, September
2, 1923, citing the *Moscow Pravda* of July 14, 1923)

TO ALL FOREIGN GOVERNMENTS AND TO ALL THE PEOPLES OF THE
EARTH:

From the beginning, the Soviet Republics enjoyed reciprocal aid and strict collaboration. In consequence, these relations showed themselves by the conclusion of treaties of union between republics.

The power of the workers and peasants binds them together in a complete whole, thanks to the reciprocal necessity of repelling the attacks of capitalist countries and counter-revolutionary attempts against the soviet régime. The solidarity of the workers unites them in common aspirations of fraternal collaboration between peoples who have become free. Workers and peasants have come out victorious in the proletarian revolution after having overturned the power of the landlords and the capitalists. They have undergone together, and without murmuring, the historic sufferings of intervention and blockade. After misfortunes without number, they have together inaugu-

rated the work of reconstruction of their public economy on the bases of a new economic régime. While lending each other mutual succor and aid and although bound by treaties of alliance, they have conserved for some time their individual autonomy. Nevertheless, the development of their reciprocal relations and the exigencies of the international situation have driven them to unite in a federal state.

The development of the world wide reaction, the aggressive aspirations of imperialist governments and the danger of new attacks render indispensable the grouping of the defensive forces of all the Soviet Republics around a federal center.

On the other hand, the economic reconstruction in the soviet republics ruined by the war, intervention and the blockade, exceed their forces without the support of all. Success cannot be assured except under the rational direction of a federal economic center.

The very attributes of the power of the workers and the peasants, by reason of the development and stabilization of the new régime in the soviet republics, drive them in an irresistible fashion to unite their efforts to arrive at a single goal.

During the recent congresses of soviets in the autonomous republics, it was decided unanimously to form a Union of Socialist Soviet Republics. This union of peoples equal in rights remains entirely free and does not oblige any of the soviet republics to form part of the said union if such is not its desire. Each of them may withdraw from the union, isolate itself; on the other hand, the socialist and soviet units which may be constituted in the future have every opportunity to enter the union.

The Constitutional Act, as well as the Treaty of Union of the Republics, was confirmed by the Central Executive Committee of the Union and made applicable July 6 last.

By reason of the necessity, for the soviet republics, of uniting their efforts for the defence of their territory against all foreign attack, a single commissariat of war and marine has been created.

Likewise, the community of interests and certain necessities which are felt, among the soviet republics, in the presence of capitalist states, have demanded the creation of a single com-

missariat for foreign affairs. The necessity of centralizing and directing foreign commerce on the principles of state monopoly have motivated the creation of a single commissariat of foreign commerce, as being the sole means of parrying the attempts at enslavement made by capitalist states.

The progressive development of the national economy demands the union of transports and methods of communication, that is, the creation of a single commissariat of ways and communications and of a commissariat of posts and telegraphs.

The other organs of national activity of the allied republics are, in part, placed under the dependence of the central administrations, while conserving the central organs of each republic, in order that the said organs may remain exclusively in the hands of the different republics.

The immediate direction of finances and national economy, the organization of food supplies, of the defence of the rights and interests of labor and the control by workers' and peasants' inspection of the organs of the state will find themselves at the same time in the hands of the central federal direction insofar as these organs have need of direction. The same organs will exist in each allied republic but detached from those of the territories, according as their presence shall be judged necessary.

The commissariats occupying themselves with national questions and whose activity touches particular usages and localities, such as the commissariats of public instruction, of agriculture, of justice and of the interior, will be completely autonomous within the limits of each republic.

Unity of direction of the laboring masses of the Union will find its expression in its supreme organ, the all-federal Council of Soviets. But, at the same time, each nationality will possess its representation on the Council of Nationalities. This Council will collaborate on the same basis as the members elected by the all-federal Congress of Soviets.

Thus constituted, the confederation of states, based on the fraternal collaboration of peoples forming part of the soviet republics, aspires to no other thing than to live at peace with all peoples. The equality which all the nationalities will enjoy in their relations to one another and in their collective work, will

favor the development of their culture and of their well-being; it will thenceforth be permitted to the said nationalities to attain the end which the power of the workers has set for itself.

In its capacity of natural ally of oppressed peoples, the Union of Socialist Soviet Republics seeks peaceful and friendly relations with all peoples, as well as economic collaboration. The Union of Socialist Soviet Republics will employ all its efforts to cause the interests of the workers to triumph in the entire world. Over the immense territory which, from the Baltic, extends to the Black Sea, the White Sea and the Pacific Ocean, the Soviet Union fulfills the dream of fraternity between peoples and the Empire of Labor. At the same time, the Union endeavors to come to a friendly collaboration as between all peoples of the earth.

The Presidents of the Central Executive Committee of the Union of Socialist Soviet Republics: KALENIN, PETROVSKI, NARIMANOV, TCHIERVIAKOV.

The Members of the presidium of the Central Executive Committee of the Union of Socialist Soviet Republics: ENOUKIDZE, KAMENEV, KOHN, KOURSKI, MANOUILSKI, MIASNIKIAN, RAKOVSKI, ROUDZONTAK, RYKOV, SAPRONOV, SMIDOVITCH, STALIN, TOMSKI, TSKHAKAIA, KHIIDIR-ALIEV.

The Secretary of the Central Executive Committee of the Union of Socialist Soviet Republics: ENOUKIDZE.

36. CONSTITUTION OF THE BURIAT-MONGOL SOVIET REPUBLIC, SEPTEMBER 12, 1923

(Bulletin Periodique de la Presse Russe, No. 126, pp. 10-11, October 25, 1923, citing Izvestia, September 14, 1923)

1. The autonomous socialist soviet republic of the Buriats and Mongols, with its administrative center in the city of Verkhne-udinsk, forms part of the Russian Socialist Federative Soviet Republic.

2. The organs of power of the Buriat-Mongol republic will

be created in accordance with the constitution of the R.S.F.S.R. by means of local soviets, congresses and executive committees, a council of the commissaries of the people and a central executive committee.

3. The direction of affairs of the Buriat-Mongol Republic will be confided to the commissariats designated as those of: interior, justice, public instruction, hygiene, agriculture, labor, finances, council of national economy, workers' and peasants' inspection.

4. Foreign affairs and foreign commerce remain in the hands of the commissariats of foreign affairs and of foreign commerce of the Union of Socialist Soviet Republics.

5. The direction of military affairs is confided to a Buriat-Mongol commissariat for war attached to the nearest regional commissariat.

6. An organ of the state political department connected with the central direction in Russia is constituted in the commissariat of the interior of the Buriat-Mongol republic.

7. For the need of statistical work of the council of the commissaries of the Buriat-Mongol republic, a statistical office working under instructions of the central direction of the R.S.F.S.R. is created.

8. The organs of the commissariats of ways and communications and of posts and telegraphs of the Buriat-Mongol republic will be established by order of the corresponding commissariats of the U.S.S.R.

9. With a view to maintaining the unity of financial and economic policy of the R.S.F.S.R., the commissariats of finances, of labor as well as of peasants' and workers' inspection, remain subordinated to the corresponding organs of the R.S.F.S.R., but all regulations shall be applied by order of the commissars of the Buriat-Mongol republic.

NOTE: The commissaries mentioned in Article 9 will be named by the executive committee and by the council of commissaries of the Buriat-Mongol republic after preliminary consultation with the interested commissariats of the R.S.F.S.R.

10. The commissariats of the interior, of justice, of hygiene, of public instruction and of agriculture of the republic of the

Buriats and Mongols are responsible before the executive committee and the council of commissaries of the Buriat-Mongol Republic and before the central executive committee of Russia.

11. For the unification of the economic organs of the Buriat-Mongol republic an economic organization is created in the council of the commissaries of the Buriat-Mongol republic.

12. The Buriat-Mongol and Russian languages enjoy the same rights over all the territory of the republic of the Buriats and Mongols.

*The President of the Central Executive Committee of
Russia:* KALENIN.

For the Secretary of the Executive Committee, A.
ANDREIEV.

Moscow, Kremlin, September 12, 1923.

37. RESUBMISSION MANIFESTO OF THE COMMUNIST OPPOSITION, MOSCOW, OCTOBER 17, 1926

(New York Times, October 18, 1926, p. 1, c. 1)

We disagreed with the majority of the Central Committee of the Congress on a number of principal problems. These views we still retain. But we categorically repudiate the theory and practice of the freedom of forming groups and fractions. At the same time we consider it our duty to openly recognize before the party that in the fight for our views we and our followers on a number of occasions after the Fourteenth Congress permitted ourselves to take steps which are in violation of party discipline and which tend to split the party.

Considering these steps unconditionally wrong, we declare that we definitely give up our fractional methods of defence of our views because of the danger of such methods for the unity of the party. We call for the same act from all comrades who hold our views. We call for the immediate dissolution of all the fractional groups formed around the views of the opposition. . . .

We consider deeply wrong the theory of two parties, the gospel about the liquidation of the Comintern and Red Trade Union

International, all attempts to create union with the Social Democratic parties and any widening of the concession policy beyond the limits set by Lenin.

We consider unconditionally binding upon ourselves the resolutions of the Fourteenth Congress and Central Committee, and will unconditionally subordinate ourselves to them and work actively for their realization.

We hope that our associates recently expelled from the party for sharing our opinions and following our example may be readmitted to membership in consideration of the sincere submission of their leaders.

TROTSKY,	ZINOVIEV,
KAMENEV,	PYATIKOV,
SOKOLNIKOV	YEVDOKIMOV.

FINLAND

1. RUSSIFICATION UKASE OF CZAR NICHOLAS II, NOVEMBER, 1914
(Pouvreau, Yvonne, *La Question Finlandaise*, pp. 34-37, citing the Petrograd *Reich* of November 18, 1914)

His Imperial Majesty has sanctioned a program of measures of law concerning Finland which was elaborated by a commission specially named by His Imperial Majesty. The commission wishes to point out that the present program has in view two principal groups of measures:

- (1) Appropriate measures for reinforcing the authority of the Imperial Government in Finland, to assure the proper execution of the laws and the maintenance of order in Finland;
- (2) Measures tending to establish a stricter policy and economic union between Finland and the rest of the Empire.

In the first group the following measures are enumerated:

1. The revision of the laws concerning the disciplinary responsibility of the authorities in Finland;
2. The transfer to the tribunals of the Empire of all cases relative to offenses committed by civil functionaries in their service;
3. The revision of the law at present in force in Finland, relative to civil officials and, particularly, the restriction of the irremovability of Finnish civil servants and the modification of the formula of the oath taken by them, as well as the restriction of their right to belong to political parties;
4. The preparation of a personnel with a view to filling vacant posts in the Finnish administration, and, above all, the creation of chairs of Finnish law in the establishments of higher education of the Empire; the introduction of the Finnish and Swedish languages in the schools of the Empire and the addition of the Russian language as an indispensable subject for

students' entrance examinations at the University of the Emperor Alexander (at Helsingfors);

5. The revision of the laws in force for the Governor-General in Finland and, at the same time, the creation of an Imperial Finnish Senate;

6. The reorganization of the principal Government services, now administered by colleagues collectively and their transformation into institutions directed by the authority of a single person;

7. The reorganization of the *bureau* of the Public Ministry in Finland;

8. The promulgation of a law with a view to applying to Finland the system of exceptional law;

9. The revision of the regulations concerning the police and gendarmerie in Finland;

10. The promulgation of laws to be put in force conjointly in the Empire and in Finland in regard to the press, assembly, association and public meetings;

11. The extension of the control of the Ministry of Public Instruction to Finnish educational establishments and to the University of the Emperor Alexander at Helsingfors;

12. The participation of the Finnish treasury in the expenses occasioned by the defence of the Empire;

13. The unification of the Finnish posts and telegraphs in a single district organized on the general bases of the same service in the Empire;

14. The adoption of measures against the introduction of arms and munitions into Finland;

15. The coordination of the technical conditions of the Finnish railroads with those existing in the Empire, the establishment of direct communications between the Imperial and Finnish railroads, and the subjection of these to the regulations of the laws governing the Russian railways.

In the second group the following measures are enumerated:

1. The regulation of questions concerning the Orthodox religion and Church in Finland, the submission of the schools of the Orthodox Church in Finland to the authority of the Department of the Russian Orthodox Church;

2. The introduction into Finland of customs duties uniform with those of the rest of the Empire, and, in particular, the regulation of the question of assuring to certain Russian products such as sugar, meat, etc., a privileged position on the Finnish market;

3. The opening of savings banks in Finland; the right of private banks and other like credit establishments situated in the Empire to open branches and conduct their business in Finland;

4. The guarantee to commercial, industrial, transport and other companies and societies already established in other parts of the Empire to carry on their business in Finland;

5. The reform of the law on railway rates in Finland;

6. The regulation of the monetary system in Finland, with a view to making it uniform with that of the Empire;

7. The distribution of land under privileged conditions to those who are deprived of it, and the extension to Finland of the Peasants' Land Bank;

8. The participation of the Finnish treasury in the expenses of the Empire in addition to the expenditures occasioned by the military defences and, particularly, its sharing of the expenses of the Ministry of Foreign Affairs;

9. The promulgation of a law common to the Empire and to Finland in relation to the acquisition or loss of Russian citizenship;

10. The regulation of the question relative to Russians becoming Finnish subjects;

11. The revision of the maritime laws of Finland, as well as other ordinances relating to navigation;

12. Finally, the extension to Finland of the law in force in the Empire regarding copyright.

2. A LAW CONCERNING THE TRANSFER OF CERTAIN MATTERS TO
THE FINNISH SENATE AND THE GOVERNOR-GENERAL,
APRIL 2, 1917

(Text of draft bill elaborated by the Finnish Senate and the Russian Provisional Government, April 2, 1917, given in Long, Robert Crozier, *Finland's Independence: A Letter from Helsingfors*, *Fortnightly Review*, Vol. 108, p. 652, November, 1917)

THE LANDTAG ENACTS: Until the determination, with the participation of the Landtag, of new mutual constitutional relations between Russia and Finland:

1. To the final decision of the Economic Department of the Finnish Senate are transferred all those matters of Finnish legislation and administration which according to present law are decided by the Emperor and Grand Duke, with the exception of matters concerning the interests of Russia, the mutual relations in law of Russia and Finland, or questions arising therefrom, and also matters concerning Russian citizens or institutions in Finland, or concerning the nomination of officials named in paragraph 2.

2. The higher governmental power appoints the Governor-General and his Deputy; sanctions, on the representation of the Economic Department of the Senate, the Minister Secretary of State and his deputy; and convokes, opens, prorogues, and dissolves the Landtag. The Governor-General nominates the members of the Economic Department of the Senate and the Procurator from among persons enjoying the confidence of the Landtag. The Governor-General also appoints the staff of his Chancellery.

3. In the case of matters transferred by the present law to the decision of the Economic Department of the Senate, the opinion of the Governor-General must be asked whether he considers that the matter in question concerns the interests of Russia, the mutual relations in law of Russia and Finland, or questions arising therefrom, or is a matter concerning Russian citizens or institutions in Finland. If he acknowledges that the

matter does not belong to this category the Senate's decision comes into force; in the contrary event, the Senate either submits the question, by whom is the question to be decided, to the consideration of the higher governmental power, or the matter is dropped.

NOTE: A memorandum accompanying the bill stated that a future law would define what matters involved Russian interests and rights, pending the passage of which, matters would be decided in each case on their own merits. The provisional government announced that it did not intend to make use of its power of convoking and proroguing the Diet for political ends; that the according of a responsible ministry to Finland was ample proof of the provisional government's disinterestedness. The memorandum further enumerated various things left to the final decision of Finland: The submission and sanctioning of bills, with the exceptions noted in the bill; budgetary matters; administrative ordinances, save those relating to Russian affairs; the summoning of ecclesiastical councils; the creation of new governmental institutions; the right of pardon, and the right of appointment to office.

3. LAW CONCERNING THE REALIZATION OF HIGHER POWER IN FINLAND, JULY 18, 1917

(Quoted by Long, *Fortnightly Review*, Vol. 108, p. 656)

By this it is enacted. Since the rights of the monarch have ceased, the following, by enactment of the Landtag of Finland, shall serve for guidance.

1. The Landtag of Finland alone decides, sanctions and decrees the execution of all laws of Finland, including those which concern State economy, taxation and customs. In similar way the Landtag decides all the other Finnish affairs that according to the laws in force until now were decided by the Emperor and Grand Duke.

The provisions of the present law do not concern matters of foreign policy or of military legislation and administration.

2. The Landtag assembles for ordinary sessions without spe-

cial convocation, and determines the date of termination of these sessions. Until the establishment of a new form of Government for Finland, the Landtag enjoys the right to decree, according to Paragraph 18 of the Landtag Ordinance, the holding of new elections, and the dissolution of the Landtag.

3. The Landtag decides concerning the executive power in Finland. For the present, the higher executive power is exercised by the Economic Department of the Senate, members of which department are appointed and discharged by the Landtag.

4. RESOLUTION OF THE HELSINGFORS SOVIET AND THE FINNISH
SOCIALIST PARTY, HELSINGFORS, AUGUST, 1917

(Cited in Gaillard, Gaston, *L'Allemagne et le Baltikum*,
pp. 169-170)

1. All Russian citizens ought to obey the orders of the Provisional Government, which is the legitimate organ of the Russian Revolutionary Democracy.

2. The Finnish Democracy has committed an error in proclaiming its autonomy without a preliminary agreement with the Russian Democracy.

3. The sole way out of the situation should be through a mixed commission comprising equal numbers of the representatives of the Russian and Finnish Democracies appointed to settle the conflict.

5. MANIFESTO OF THE RUSSIAN PROVISIONAL GOVERNMENT DIS-
SOLVING THE FINNISH DIET

(Text given in Gaillard, Gaston, *L'Allemagne et le Baltikum*,
pp. 169-170)

The Provisional Government has received the address of the Diet of Finland, dated as of July 25, as well as the text of the resolutions passed by it on its own accord relative to the exercise of the supreme power in Finland.

According to the Constitution, Finland enjoys internal au-

tonomy exclusively within the limits of the legal relations established between her and Russia, of which the fundamental principle has always consisted in the common link through a person invested with supreme governmental power. Following the abdication of the last Emperor, all the plenitude of power belonging to him, including the rights of the Grand Duke of Finland, could only pass to the Provisional Government invested by the Russian people with supreme power so that the rights of the Grand Duke must be considered as belonging to it to this day.

The Provisional Government, which has taken public oath to safeguard the rights of the people to the power of Russia, cannot renounce its rights until the meeting of the Constituent Assembly. Continuing to consider as its duty and as the object of its attention the safeguarding of the development of the rights of internal autonomy of Finland, conformably to the manifesto published by it on March 20, 1917, the Provisional Government, at the same time, cannot recognize the right of the Finnish Diet, on its own accord, to prejudice the future will of the Russian Constituent Assembly and to annul the mandate of Russia in the questions of legislation and administration relating to Finland.

Nevertheless, the decisions taken by the Diet modify in their essence even the reciprocal juridical relations of Russia and Finland, and strike at the root of the Finnish Constitution now in force.

Let the Finnish people take heed of its own future. This cannot be decided except in common accord with the Russian people.

Having, in consequence, ordained the holding of new elections in the nearest possible future, the 1st and 2nd of October, 1917, the Provisional Government has thought best to dissolve the Diet convoked by it on April 4, 1917, and to fix the convocation of the new Diet for February 1, 1918, at the latest.

In consequence, all persons who shall be elected as deputies of the Diet should arrive at Helsingfors on a day which will be specially fixed, so that they may perform their duties conformably to the Statute of the Diet.

On the opening of the Diet, it will be presented by the Gov-

ernment, conformably to the laws in force, with a bill relative to the regulation of the internal affairs of Finland.

6. DECLARATION OF JUDGE SVINIUFVUD TO THE FINNISH DIET.
NOVEMBER 26, 1917

(La Chesnais, P. G., *La Guerre Civile en Finlande*, Janvier-Avril, 1918, p. 23)

The most important of the duties incumbent upon the first Senate which is to be named by the Finnish Diet is to assure the political independence of Finland.

The Russian Government has lost the right to keep Finland united to the Russian Empire, for the Czar's government violated the rights of Finland guaranteed by the Russian monarchs and endeavored to destroy the legal status of Finland. The Government of Russia under the Revolution in its turn showed itself incapable of keeping up the effective power of the State, which is the condition of all social life. It is therefore a right and a duty for the people of Finland to take its destiny in its own hands. It is to be hoped that the Russian people, in whose name the right of small nations to their political independence has so frequently been affirmed, will raise no obstacle to the efforts of the Finnish people to regulate their own affairs on the basis of its entire right to dispose of itself on its own accord.

The change in the political situation of Finland necessitates far-reaching and fundamental reforms in the public law of the country. The form of Government of 1772 and the act of Union and Safety of 1789 have far from accorded to the Landtag all the rights appertaining to a popular body according to democratic principles. One of the most important duties, in matters of internal policy, is to prepare and present to the Landtag a bill on the subject of a new form of government founded on democratic principles. In case the establishment of the form of government should find itself delayed, it would be necessary to present to the Landtag bills of a constitutional order whose passage is particularly urgent. Every so-

cial or State activity demands, at the present time, that the general conscience of right shall be strengthened, and the power of order reinforced, so that life shall resume its normal forms.

At the same time, it is necessary to endeavor to make work for the national life take such a course, due to internal reforms, that every citizen will consider it not only as a duty, but also as advantageous in itself, to demand the guarantee and the betterment of these bases of national activity. The most pressing of all these questions is the menacing and altogether too much felt lack of foodstuffs. The government has the right to take the most energetic measures to procure foodstuffs and organize production.

7. APPEAL OF THE FINNISH GOVERNMENT TO THE RUSSIAN COMMISSARIES OF THE PEOPLE, JANUARY 25-26, 1918

(Söderhjelm, Henning, *La Revolution Rouge de Finlande en 1918*, pp. 69-70)

TO THE COUNCIL OF THE COMMISSARIES OF THE PEOPLE:

In several parts of Finland there have been murders, fires and a number of disorders in which the soldiers left here have taken part not only by protecting the elements which caused the disorders, but by themselves committing acts of violence which could not have been carried out without the aid of the soldiery. We are informed that the participation of the Russian soldiery is based on instructions and orders coming from the military authorities. The Finnish Government, considering that this conduct of the soldiers is a gross violation of the internationally recognized autonomy of Finland, has therefore decided to address itself to the Council of the Commissaries of the People and to ask it to take effective measures as soon as possible to prevent immediately the participation of soldiers in acts of violence committed against Finnish citizens, as well as their interference in any other way in the internal affairs of the country.

The President of the Government,
SVINHUFVUD.

8. APPEAL OF THE FINNISH GOVERNMENT TO FOREIGN POWERS,
JANUARY 26, 1918

(Söderhjelm. Henning, *La Revolution Rouge de Finlande en 1918*, pp. 70-71)

TO FOREIGN POWERS:

Although the Russian Government officially recognized, on January 4th last, the political autonomy of Finland, the evacuation of the Russian troops has not yet commenced. On the contrary, the Russian Government continues to keep in Finland numerous troops which, while devouring the meager resources of the country, not only form an obstacle to the maintenance of order and security, but are still committing murders and all other kinds of misdeeds in concert with the most bewildered part of the population. These crimes are not only committed by individual soldiers or stray detachments. What is more grave, the representatives of the Russian Government in Finland are contributing directly to the prolongation of an intolerable situation for an independent country, by permitting arms and ammunition belonging to the Russian State to be distributed to the masses of the people taking part in the disorders, and by preventing the formation of a strong police force obedient to the orders of the government. Thus, according to information reaching the Government of Finland, the Commissary for War of the Russian Government gave orders on January 23, 1918, to the soldiers transferred to Viborg to disarm the Finnish volunteers that had come into the city to keep order and to arm with their arms the elements of the working class who had fomented the bloody disorders in the city.

Finally, the Committee of Sailors of Helsingfors, on the occasion of verbal negotiations, informed the members of the Government that the Russian troops in Finland are interested in the success of the social revolution in Finland and are ready, to this end, to support the revolutionary masses against the legal order and against the volunteers who defend it.

As the attitude of the Russian Government constitutes a gross violation of Finland as an independent State, the Finnish Gov-

ernment takes this occasion to formulate an energetic protest to the powers which have recognized the autonomy of Finland.

In the name of the Government of Finland,

P. E. SVINHUFVUD.

9. APPEAL OF THE GOVERNMENT TO THE FINNISH PEOPLE
JANUARY 25-26, 1918

(Söderhjelm, Henning, *La Revolution Rouge de Finlande en 1918*, pp. 71-72)

TO THE PEOPLE OF FINLAND!

The blood of our fellow citizens which has been shed these last days obliges the government of the country to address itself to the people. Our people have quite recently seen its dearest hopes realized. It has obtained its political autonomy, which has already been recognized by several states of Europe. The evolution of the Finnish people is not henceforth hampered by external obstacles. The supreme power is exercised in the country by the Finnish Diet and by the government responsible to the Diet. Our parliamentary and communal institutions are democratic.

Unhappily there are men to whom the way of peace, of law and of persuasion does not suffice and who have recourse to other means to attain their ends. Some Russians have spread among our people the idea that in Finland likewise only a revolution could bring about a democratic development. The elements of our people which have given in to this idea have been armed by Russia and in consequence our country is on the eve of a civil war. In the course of these last days, Russian troops residing here have interfered in the most brutal fashion in the internal affairs of Finland and revolting crimes have been committed against the life, property and liberty of Finnish citizens. What is more regrettable is that certain Finnish citizens have themselves aroused the Russian troops and have, in concert with them, taken up arms against their compatriots and committed crimes and acts of violence.

Although the Finnish Government has been authorized by the

Diet to work toward the creation of a strong police, it possesses no means of maintaining tranquillity and order in the country so long as the Russian troops remaining here support the criminal elements and appear a menace to all peaceable existence.

In consequence, the Government of Finland has judged it its duty to protest to the Russian Government against the interference of Russian troops in Finland in the internal affairs of the country and to demand at the same time the removal of these troops. In addition, the Government has also thought it its duty to address to the foreign powers that have recognized our autonomy a note of protest against the stay in Finland and the acts of violence of undisciplined Russian troops.

The Government of Finland believes it necessary to address all Finnish citizens as well. It is only on the condition of maintaining an unshakable order that we will be able to conserve the independence recently acquired. Disturbances may annihilate completely the independence and the liberty of our people and deliver our country over to foreign domination; they may also lead to its complete collapse. Every enemy of order is an enemy of the Finnish people and of its independence.

But what is more humiliating for all our people is the fact that some Finns are ranging themselves side by side with the foreign troops and committing with them acts of crime and violence against their compatriots.

To act thus is to commit a crime against the Finnish people and, at the same time, a crime against the State. These acts are directed against the Finnish Diet, which represents the supreme power in our country. If these actions gain the upper hand, our people will disappear from the rank of civilized peoples and the Finnish State will cease legally to be a state.

The distress in which our country finds itself obliges us to address you all. We hope that all Finnish citizens will be ready to consent to the sacrifices which the grave situation of our country demands of all, both individually and in common. The common efforts of all ought to aim at but one end, the maintenance of internal peace. Every act or every measure of a nature to trouble the public order can in no wise be tolerated

under any pretext, as is also true of all private acts which contravene police regulations.

Fellow-citizens, close up your ranks in order together to protect the peace of your firesides, the life, the property, the individual liberty and the inviolability of those nearest to you. To maintain order is to defend the independence and the future of the Finnish people.

THE SENATE OF FINLAND.

10. MANIFESTO OF THE FINNISH SOCIAL DEMOCRATIC PARTY TO
THE RUSSIAN SOLDIERY, JANUARY 24, 1918

(Söderhjelm, Henning, *La Revolution Rouge de Finlande en 1918*, p. 73)

RUSSIAN COMRADES!

For months the bourgeois have been intent on sullyng the reputation of the Russian revolutionary troops stationed in Finland and in arousing public opinion against them. These aspersions have filled the Russians as well as their Finnish comrades with bitterness. The revolutionary Social Democracy of Finland and its institutions are being incessantly calumniated. The bourgeois press wishes to saddle on the revolutionary soldiery and on the workers the responsibility for the acts of violence committed by individuals or by groups which do not understand the teachings of the revolution, although these acts may be in reality a result of bourgeois corruption. Also the bourgeois impudently exaggerate; they distort the real events and invent all kinds of lies. All their efforts tend to insult and defame the revolution, in order thus to prepare the ground for the counter-revolution. We understand perfectly well—that goes without saying—that such conduct must offend the Russian soldiery in Finland who, remaining immovably faithful to their principles, have recognized the political independence of Finland. We, the representatives of the workers of Finland, are fighting faithfully at your sides against the flood of outrages and provocative lies poured out by the bourgeois and we

express our formal disapproval of the counter-revolutionary efforts of the bourgeois press. . . .

The Social Democracy of Finland will fight without wearying against militarism, and one of the demands set forth by our congress is that Finland, now that she has become autonomous, has no need of a permanent army. As is natural, the Russian troops will no longer be maintained in Finland when their evacuation becomes possible, and in any case only after the conclusion of peace. But the Finnish workers are not in accord with the bourgeois when the latter demand in a provocative fashion that the soldiers be removed without delay from the country, although want will increase because of the presence of the troops.

11. REVOLUTIONARY PROCLAMATION TO THE PEOPLE OF FINLAND,
JANUARY 28, 1918

(Söderhjelm, Henning, *La Revolution Rouge de Finlande en 1918*, pp. 83-85)

The hour of the great revolution has struck for the working class of Finland.

Today the workers of the capital have bravely taken by assault the headquarters of the sombre minority power which was commencing a bloody war against its people.

The members of the criminal Senate were thus preparing in the capital of the country an abominable civil war, a perfidious attack against the organized workers of Finland. At the same time, they rendered themselves culpable of shameless treason by asking foreign monarchical governments to send bands of assassins to massacre the working people of Finland. The life and liberty of our people are thus exposed to the greatest dangers.

Now all power has been taken away from this sanguinary Senate. The order has been given to arrest the criminal members of this Senate wherever they may be found, for prison has long been the sole place where they belong.

The working people of Finland will take all the power of the state in its tried and trusted hands.

It was thus that the working class was finally constrained to rise up, in order to save itself and the country with it from the ills and the distress into which the criminal policy of the capitalists has plunged our country. The intrigues of the dangerous and disturbing Senate and of its tools have been disclosed. In order to gain possession of the power which ought naturally to belong to the people itself, the Senate committed illegalities without end. The principal aim of these acts was to strangle the workers' movement in all the country, to destroy all the victories of democracy, to bury forever the rising hopes of a people suffering in the midst of a veritable travail of regeneration.

But the working class of Finland will never allow itself to become enslaved beneath a yoke so terribly reactionary. So odious an attempt at a *coup d'état* must go down in opprobrium and ignominiousness. And the complete submission has now commenced. The oppressive power of dangerous reaction must be extirpated to its roots and be rendered inoffensive.

The supreme revolutionary organ of the workers of Finland, established by the Central Committee of the Socialist Party makes it known that ALL THE REVOLUTIONARY POWER OF FINLAND BELONGS HENCEFORTH TO THE ORGANIZED WORKERS AND TO THEIR REVOLUTIONARY ORGANS.

A revolutionary socialist government is now to be formed without delay. The names of the members of this government will be shortly published.

It is now no longer a question of placing new men in the positions of the old but of reversing the entire bureaucratic system.

Let our organizations and our Guard now do their duty everywhere toward the revolution, each according to his capacity. We must observe in our ranks a severe revolutionary discipline!

It is necessary to act at all times in a friendly manner toward the Russian soldiers, for we know that the Russian soldiers are the friends of the revolutionary workers.

In order for the general revolution to succeed, it is not necessary that a general strike take place at all points. The revolutionary workers will themselves decide with their organiza-

tion where it will be necessary to have recourse to this means. But, for the safety of the revolution, it is our opinion that a general strike should be forthwith proclaimed at Helsingfors.

The workers will take in hand, wherever that appears opportune and useful, the communal administrations and other prerogatives.

No one must abandon us or flinch! No long negotiations with armed and perfidious enemies. It is essential that the victory of the workers shall be an integral victory!

The peaceful citizens who do not desire to support the enemies of the workers have nothing to fear from the revolution. Let not the small traders and countrymen of the rural and urban regions put their faith in the lies according to which the workers are going to possess themselves of their goods. On the contrary, the victory of the working class can also ameliorate their situation in the State. The power of the workers is an equitable power, which seeks at all times to prevent useless violence and to redress the ills of the innocent.

But the mercenaries of the overthrown Senate will be pursued without let or hindrance. Let all who have been enrolled by treason lay down their arms as soon as they learn that they are being forced to fight against the noble cause of the working people.

The revolution of the workers is generous but harsh: hard on the enemies of the people, but helpful to all the unfortunate and the oppressed.

Have confidence in the revolutionary might of the workers! Battles have taken place in various localities, but the victory will attach itself irresistibly to our banners.

We believe firmly that the present generation, as well as the future generations of the working people of our country, will yet bless frequently this revolution which will cause Finland to enter a new era of well-being.

The Executive Committee of the Workers of Finland,
EERO HAAPALAINEN, President.

12. ADDRESS OF REGENT MANNERHEIM TO THE FINNISH DIET,
APRIL 6, 1919

(*Bulletin Periodique de la Presse Scandinave*, No. 65, p. 6)

The Government has the firm certitude that the friendly relations with the western Powers will be strengthened and developed as soon as the Finnish people has shown that stability and progress in calm are the guiding principles which it has fixed for itself and which it wishes to follow. We desire friendly relations with our neighbors to the West and are ready to give them guarantees that will assure them that no dangers coming from here will menace them. At the same time that we must work with all our forces to reinforce and develop our relations with all the states with which we have ties of friendship, we cannot consider with indifference the sufferings and persecutions to which our brothers in race living outside of Finland are exposed and the painful struggle which they are keeping up for their national rights. Nevertheless the peaceful development of our internal affairs demands a great activity on the part of the Landtag. The Landtag must pass upon the form of our government and I hope that the different parties in the Landtag will agree upon a bill which will guarantee the security of Finland, her external independence, and her internal development.

In the epoch in which we live only a form of government which gives to the government sufficient force and authority is capable of guaranteeing the situation of the State and its peaceful development. Along with this is involved the problem of the definitive organization of our army, which must be settled in such a manner that the defence of the country, without exceeding the financial capacity of our people, shall give us the possibility of defending the highly responsible yet honorable position which we occupy as the advance-guard of the West.

13. STATEMENT OF THE FINNISH SOCIAL DEMOCRATIC PARTY AS
TO CONDITIONS ON WHICH IT WILL COLLABORATE WITH
OTHER PARTIES IN THE FINNISH DIET

(*Suomen Social Demokraatti*, cited by *Social Demokraten*,
April 1, 1919, in the *Bulletin Periodique de la Presse
Scandinave*, No. 65, p. 6)

On the subject of the form of government, in addition to the party's demand that Finland shall be a republic, it will demand that the Government shall not have the right of veto in regard to laws voted by the Landtag and that the President shall have no other power than that which his right to vote in the Council of Ministers confers upon him. From the moment that the Government is responsible to the national representation, it follows that the Government has no right to dissolve the Landtag.

If the Agrarian Party and the Progressive Party recognize a form of government based on these principles, there will be no insurmountable difficulty to the establishment of an accord on other parts of the Socialist program which tend solely to sustain and fortify the republican government.

In regard to the military law, . . . the Socialists must demand that this law be immediately revised, particularly the article fixing the term of military service, which should be reduced. In regard to the White Guards, . . . all class organizations still under arms constitute a permanent danger and should be combated. In regard to the demands of the Swedish population, the Socialists are disposed to accord them as wide a degree of autonomy as possible. The situation of the workmen ought to be improved; citizens who have lost their civil rights ought to have these restored to them, and the sentences pronounced after the revolution should be lessened.

14. THE VIBORG PROGRAMME: SPEECH OF RUDOLF HOLSTI, FINNISH MINISTER FOR FOREIGN AFFAIRS, RESPECTING THE FOREIGN POLICY OF FINLAND, FEBRUARY 7, 1920

(*Helsingin Sanomat*, February 8-9, 1920, cited in *Bulletin Périodique de la Presse Scandinave*, No. 87, p. 5, March 14, 1920)

It is necessary that we rid ourselves of preconceived calculations and ideas, and that we face realities. No one in the world has asked, nor will ask, that we undertake a solution of the Russian problem. But, as regards our defence against a possible aggression of Soviet Russia, the past two years have not been in vain. We have an army which will know how to do its duty if the occasion arises, even if the aggressors should be the armies which are showing themselves victorious even over the great White armies on this side and that of the Urals and in the plains of Southern Russia. We have our militia, who will know how to defend foot by foot the Karelian coast and it is to be hoped that we will not find it necessary to defend by ourselves occidental civilization, if the Red regiments beyond the frontier some fine day try their luck in battles on the banks this side of the Systerbäck.

Just as we have no reason to give provocation or to intervene militarily in the affairs of Russia, so we have no reason to be disturbed if some White armies, more or less, exist or are annihilated. That is why we are no longer forced to accept any sort of peace terms, although on the other hand we cannot believe that the rest of the world can come to terms with Russia while we remain perfectly intractable. We ought to take stock of our forces, our interests, our foreign situation, at their just values, in determining our present and future attitude towards Soviet Russia or the régime that will seize power after the end of the Soviet régime, whether this succession takes place following a more or less rapid internal evolution or a sudden revolution.

At the hour of the final conclusion of peace and at whatever moment it arrives, our program ought to be ready. We will not

be able to present greater claims than those which correspond to our true vital interests, or those to which we have a natural right based on recognized principles. We cannot cede an inch of our territory or of our coasts. On the hither bank of the Systerbäck are found thousands of refugees who are our kinsmen. If it were true that there is justice in the world and that even the weak have rights, the Ingrians should be able to see their right to a national life recognized some day, to obtain security for their language, their civilization and their economic interests, even while remaining in the unfavorable position of an ethnic minority. Our other ethnic frontier runs from Ladoga to Onega and from thence to the White Sea. All who are Finnish between this frontier and our present political boundaries ought to have the opportunity to freely choose their political future. And why does not the call of blood speak more strongly than that of former ownership? We have need of a sector of the coast of the White Sea which was formerly ours and to which we have a right as compensation for the bit of territory which was snatched away, half a century ago, from the secular territory of the Karelian people. No Russian Government animated by a spirit of justice can deny that a good understanding with Finland can quite well be reconciled with the realization of the national aspirations of these Finns. Russia extends from the arctic north to the regions where the snow never falls. If, along her former western boundary, a range of independent states should arise and if, according to this same principle of self-determination, the frontier of Finland should be carried a little further east, there will still remain more room than is necessary for the great Russian people, where they may live, move, increase and develop, and create unprecedented spiritual and material riches, so that the loss of Eastern Karelia, together with its natural resources, cannot be resented as though it were such a loss as to endanger good neighborly relations.

15. ADDRESS OF PRESIDENT STAHLBERG TO THE FINNISH RIKSDAG, APRIL 1, 1921

(*Bulletin Periodique de la Presse Scandinave*, No. 111, pp. 6-7)

REPRESENTATIVES OF THE PEOPLE OF FINLAND,

I extend to you a welcome to the session which is commencing.

Again during this session the budget will be one of the most important tasks before the Riksdag and it is to be hoped that, more than has been the case hitherto, it will be carried to completion in good time on the part of both the Government and parliament. Involved in this question as an important factor is the new customs tariff, the bill for which is before the Riksdag. To consider objectively opposing interests, to watch over the needs of the budget without hampering either production or consumption, is a problem as important as it is difficult to solve.

Among the new bills which will be submitted to the Riksdag the bill for the reform of the legal relations between husband and wife has as its purpose to enforce in private law the same equality between man and woman which the woman has already obtained from an electoral point of view in the state and in the commune. The conscience of right which our people has is certainly ripe for this reform. The new military law will be of a certain importance for the political and national economy of Finland. It will be submitted to the Riksdag for discussion, according to the constitution, and aims to put Finland on such a footing of permanent defence as shall assure the liberty and independence of Finland. In the Government bill the effort has been made to economize the time and money of the nation as much as possible without losing sight of the desired goal. But if the Finnish people does not show itself ready to defend its existence without fearing the necessary sacrifices, it is vain to count upon the good will of others in this matter. That is why, in the difficult position of our country, a strong national defence is necessary without this minimizing the fact that our army, both by its organization and its aim, in conformity with the foreign policy of our nation, has for its sole objective the defence of the country.

Finland ought equally in the future to pursue a policy of a pacific defensive. That is a conception which has made itself felt more and more unanimously by the nation, and which has even found a support in the attitude of other states and even of the Great Powers. It is also to be hoped that the execution of the Peace of Dorpat will be carried out, despite the difficulties which will no doubt present themselves, without too many troubles and that economic relations will also be restored in so far as the internal situation of Russia permits. With Norway also our new frontiers have led to negotiations which will without doubt lead to a solution satisfactory to both parties. While keeping up the present directives of her foreign policy, Finland will be able to profit from the support which a complete participation in the League of Nations will offer her, within the limits in which the smaller nations enjoy their rights, according to the stipulations of the Covenant.

But her true support Finland will find in herself, in the national conscience, in civic virtues and in the living will to conserve and develop our condition as a civilized people and a sovereign nation.

I declare the regular session open.

16. PROGRAM OF THE SECOND VENNOLA CABINET, APRIL 15, 1921

(*Helsingin Sanomat*, April 16, 1921, in *Bulletin Periodique de la Presse Scandinave*, No. 111, p. 7)

In foreign policy the Government will pursue to the end an independent policy on the basis of the principle thus far followed. It welcomes sincerely the maintenance of good relations with the neighboring states and is willing to work in good understanding with the nations that are friendly to us. The organization of permanent economic relations will be the aim of special endeavors on the part of the Government. As regards the Treaty of Dorpat, the Government will carry it out as far as is possible while demanding of the other contracting party that she fulfil the conditions and obligations involved.

The defence of the integrity of the territory of the republic,

of our rights and our independence will be the earnest endeavor of the Government. It considers it its special duty to develop national defence in an adequate manner and according to the forces and economic resources of the country.

The Government considers that it is necessary to take into consideration the question of the enlargement of the amnesty for those who participated in the insurrection. To this end it will submit a bill to the Riksdag. At the same time the Government will demand absolute obedience to the legal order and will repulse every attempt which would result in its overthrow, from whatever side it comes, whether from within the country or from without.

The Government is aware that there are numerous infractions of the law on the total prohibition of alcohol and that this law is breaking down in its operation. Such a thing is apt to uproot in a general fashion respect for the laws. The Government therefore considers that it will be necessary to watch more closely the application of the law.

17. EXCERPT FROM MANIFESTO PUBLISHED BY THE FINNISH WORKERS' PARTY (COMMUNIST) ON ITS FORMAL ENTRY INTO THE FINNISH RIKSDAG, SEPTEMBER 8, 1922

(*Hufvudstadsbladet*, September 8, 1922, cited in *Bulletin Periodique de la Presse Scandinave*, No. 133, p. 6)

The communist fraction of the Riksdag must be the interpreter of the will of the revolutionary proletarian class. The fraction must always be conscious of the fact that the workers' aspirations cannot be realized until the mechanism of oppression of the bourgeois state shall have been destroyed and replaced by the workers' régime. Thus the party must work to ruin the entire capitalist system and its members must remind themselves that they are not legislators in the true sense of the word . . . they must push the masses to an ever more violent struggle against capitalist society. To do this they must keep in uninterrupted contact with the working masses and even submit their actions to them. . . .

In all imaginable circumstances, the communists must claim the liberation of prisoners as well as indemnities for the widows and children of the victims of the White Terror. . . . In regard to the socialists, the group must so act, as the circumstances may require, as not to present a united workers' front. If, on the other hand, the socialists proceed in a mistaken manner, the group will have the duty of unmasking them as allies of the bourgeois.

18. PROGRAM OF THE FIRST KALLIO CABINET, NOVEMBER 13, 1922

(*Bulletin Periodique de la Presse Scandinave*, No. 136, p. 5)

The Government will follow an independent foreign policy. At the same time, it will participate in international cooperation as far as that is compatible with the interests of the country. It will see to it that the independence of the country and the rights obtained under existing treaties are respected. From the international point of view, it will support the aspirations looking to the pacific realization of the demands of justice and the liberty of peoples in their international relationships. It is from this point of view that it will treat the cause of our kinsmen and the questions concerning our national policy. With the neighboring countries the Government desires to entertain and develop friendly relations, by paying particular attention to the bonds of civilization which bind Finland to the Scandinavian countries. It will aspire to cordial, reciprocal collaboration with the peoples with which it finds itself in friendly relations and, in particular, with the peoples which are united with the same purpose, tending to assure the security of their political existence. . . .

With a view to maintaining the legal order, the government will see to it that the laws are enforced and will repulse all attempts to disturb the legal order and prevent the peaceful development of our people.

As regards the enforcement of the prohibition of alcohol, conformably to the decisions of the Riksdag, the government will ask the competent authorities to do their full duty and it hopes

at the same time that the citizens who respect the laws will support it in its effort.

The Government will apply itself to develop the economic and social conditions of the country and will do its best to apply the laws approved by the Riksdag destined to procure land for landless citizens. The Government expects the Riksdag to furnish the necessary means. . . .

ESTHONIA .

1. PROCLAMATION OF THE ESTHONIAN NATIONAL COUNCIL, REVAL, NOVEMBER 28, 1917

(Gaillard, Gaston, *L'Allemagne et le Baltikum*, pp. 77-78)

1. To determine the future form of the government and to create a democratic Sovereign Power in Esthonia, as well as to settle all further questions, there is occasion to convoke an Esthonian Constituent Assembly.

2. The Council of the Country (i.e., the Esthonian National Council) proclaims itself the sole depository of supreme power in Esthonia; its decisions and prescriptions are obligatory for all the inhabitants of the country, up till the meeting of the Constituent Assembly. This Assembly will be elected directly by a democratic suffrage and, after having determined upon a frame of government, it will create definitively the legislative and administrative powers.

3. During the interruption of its sessions, the Council of the Country remits to the President of the Council, as well as to the administration of the country and to the Committee of Elders, the right to take and publish decisions and prescriptions of an extraordinary character, with the aim of regularizing the forms of public life in the country, and the right to execute them pending their confirmation by the Council of the Country.

2. APPEAL OF THE ESTHONIAN SOVIET GOVERNMENT TO THE PROLETARIAT OF THE WORLD, JANUARY 10, 1919

(*Revue Baltique*, Vol. 1, p. 161)

During the recent attacks organized by the troops of the Esthonian bourgeoisie against our Red Armies, the presence of

Finnish detachments in the ranks of our enemies was recognized in an indisputable fashion. This participation is confirmed and explained by the proclamation of the so-called "Provisional Government of Esthonia" addressed on December 27, 1918, to the bourgeois democracy of the whole world. This appeal contained a request for help as well as a provocative lie according to which the government of the Russian Soviet Republic was sending hordes of Russians, Letts and Chinese to occupy Esthonia. The Government of the Esthonian Republic of Soviets, acting as representative of the Esthonian people, protests anew in the most formal fashion, in the face of the workers of the entire world, against this infamous lie of the Esthonian bourgeoisie; it declares that no occupation of Esthonia by foreign armies has taken place, and that the rumors relative to Chinese regiments are only calumnies destined to provoke the working class. The Esthonian bourgeoisie passes by in silence the proletarian classes of this country which have joined the Red Army for the liberation of their native country, crushed under the yoke of the bourgeoisie. We protest with equal energy against the intervention of Finnish detachments in our struggles, all the more so as the workers of Esthonia have not furnished the least pretext for such an intervention. We consider the participation of the Finnish White Guard in our struggles on the territory of the proletarian commune of Esthonia as a flagrant violation of all the international accords and principles in force. We call upon the proletariat of the whole world to join in our protest: we call upon our proletarian brothers in Finland to stretch forth their hands in order to permit us to deal a decisive blow against their traitorous bourgeoisie in order to wrench from its hands this bloody sword with which it counts on taking back the liberties which we had already won.

Comrades, our cause is yours. It is only by forming a single front that we will beat down the common enemy, the international bourgeoisie.

The Soviet of the Esthonian Workers' Commune,
ANVELT, KAESPert, MAEGI, HEGELMANN, TRAKMANN.

NOTE: To disprove the charges of the Esthonian Soviet and confirm the original statements of the Esthonian Provisional Government, the Esthonian Commander-in-Chief cites the specific regiments and adds:

It is therefore impossible to cast stones back at Esthonia, and nothing will make that possible in future, for all these facts speak against these gentlemen. It is now clear to all that those who call themselves "The Government of the Soviets of Esthonian Workers" and those who, in addition, reside on the territory of Russia, have nothing to do with the committees of workers of Esthonia. They do not have the Esthonian National Army in their power and these bands of pillagers have been compelled to clear out from the frontiers of the Esthonian Republic.

J. LAIDONER, Major-General,
Commander-in-Chief of the
Esthonian Army and Navy.

Reval, February 17, 1919.

3. PROGRAM OF THE STRANDMAN CABINET, MAY 12, 1919

(*Bulletin de l'Esthonie*, No. 3, June, 1919, pp. 41-43)

The Government of the Republic, constituted by the Constituent Assembly, begins its work in the midst of a hard and exhausting struggle. Tiny Esthonia is waging a defensive war against the sovietic imperialism of immense Russia. The most imperious desire of the Government is to lead to peace. But we do not wish to conclude peace and end the war without the powers which have sustained us to this day morally and materially. We will not and cannot conclude peace without the guarantee that the Esthonian people will be able in the future to live a free and independent political life. [*Prolonged applause.*]

With this aim all the population unites its forces to resist the assaults of the enemy against its frontiers. [*Applause.*]

The Government will do everything possible so that the

people's army which fights for the independence of Esthonia shall receive the food and munitions of which it has need. Without doubt, the Constituent Assembly will assure to the men in the service the right to obtain land and work, being happy thereby to perform a duty in recognition of their work for the mother country. [*Applause.*]

Having formed since February 24th an independent Government, we have need, first of all, that our independence be recognized, and thereafter, as a guarantee of this independence, that Esthonia be admitted into the League of Nations to the end that she may be in a position to form with other nations the relations that render possible our political and economic life. The first problem that lies before us is an internal problem which demands for its solution the creation of lawful order in which the abuses, the privilege, and the arbitrariness of the old order can find no place. By watching over the liberty of all citizens, the Government will use legal force only in the measure indispensable to the protection and safeguarding of the Republic. The basis of the Esthonian Government is democratic self-government, the realization and consolidation of which constitute at present our sole preoccupation. [*Unanimous applause.*]

The development of self-government will be regulated by laws and seconded by the activity of the Government. The provisional institution of governmental commissioners will be replaced by the establishment of governmental supervision responding to democratic principles. [*Applause.*]

A large part of the civil and criminal laws does not correspond to a republican system. New laws on the registering of births, marriages, divorces and deaths, laws in regard to the courts, the introduction of juries in the courts, will presently be laid before the Constituent Assembly [*Applause*] as well as laws bettering conditions in the prisons.

In the realm of finance, the Government is endeavoring to give the Esthonian mark, our sole means of payment since May 2nd, a solid basis, and to limit, by taxation and internal loans, the quantity of paper money issued. Not being in a position to do away with indirect taxes, the Government is looking forward in particular to the progressive development of taxes on

incomes and private property. To keep up the exchange value of the Esthonian mark, our exports ought, so far as possible, to cover imports, which it will be necessary to limit to products of prime necessity, forbidding completely the importation of luxuries. The Government is seeking financial means to introduce agrarian reform and develop our rural economy, by working hand in hand with the local government authorities and rural organizations. It is indispensable that large landed properties and the vestiges of feudalism which attach thereto be liquidated by using every effort so that, during the period of transition, agricultural productivity shall not diminish. [*Unanimous Applause.*]

Laws relative to the protection of labor, the eight-hour day, insurance, the creation of boards of arbitration, are being prepared. [*Applause on the Left.*] Public works have been undertaken to procure work for the idle and to improve the housing situation. For the improvement of the culture of the people compulsory elementary teaching and instruction will be established and continuation schools as well as technical schools spread. School organization will be improved.

The supreme power in Esthonia—the Constituent Assembly—having realized the sovereign will of the Esthonian people, the Government of the Republic will use every effort to carry out the will of the Constituent Assembly without delay. [*Unanimous applause.*]

4. ESTHONIAN DECLARATION OF INDEPENDENCE, MAY 19, 1919

(*Bulletin de l'Esthonie*, No. 3, pp. 26-28, June, 1919)

From the earliest times the Esthonian people established themselves on the borders of the Baltic, where they lived the life of a free and independent people. Seven hundred years ago they were subjugated by the Germans. But they retained the hope of some day regaining their independence. The right of self-determination of peoples, solemnly proclaimed in the course of the World War, today gives to the Esthonian people the possibility of realizing this hope. For six months our people has

been fighting Soviet Russia for its independence and has been demanding its place in the League of Nations. It has definitively broken the ties which bound it to Russia. From this union with Russia there remains in the soul of the Esthonian people only a feeling of bitterness and the memory of too numerous offenses against it. The Russian Czars only confirmed the privileges of the German nobility in our country as regards their possession of the land and their domination of the people without a thought for the organization of our life. They denied to this country the benefits of local self-government; they barred from the municipal elections the cultured people of the country; they sent into the country Russian bureaucrats and introduced Russification into the administration, the schools and the courts.

The Russian Revolution brought no change. The bureaucracy were a stumbling block to the enfranchisement of the Esthonian people in the administration and in the schools. The Russian Soviets of Soldiers and Sailors dispersed by force the Esthonian Diet and prevented it from organizing armies for the defence of the country. By the Treaty of Brest-Litovsk they sacrificed Esthonia to Germany. When, under the blows of the Allied Powers, Germany had to evacuate the country, the armies of Soviet Russia fell upon it, bringing to the Esthonian people new misery and new suffering. Esthonia cannot, therefore, have any obligation toward Russia and cannot wish to maintain the ties that bind her to Russia.

The Esthonian people does not wish to live in discord and enmity with the Russian people, but, on the contrary, to enter freely into friendly, neighborly relations on condition that the Russian people shall have decided to allow Esthonia to enjoy her liberty. The idea of extending its power beyond the territories which it inhabits has always been and always will be foreign to the Esthonian people; it desires only the power to make use of its own natural right to liberty and to organize for itself its own way of living. The past of the Esthonian people is the proof and guarantee that it will know how to govern itself and create an independent state. The painful conditions which it has undergone have not been able to annihilate it. This people has learned how to profit from all possibilities in order to

enhance its intellectual and moral value. Public instruction is disseminated throughout the country, private initiative is highly developed, the organisms of central and local administration have already been created.

The Esthonian people has manifested a high conscience and a great political maturity during the hard war imposed upon it and which, by reason of the acts of the German occupying authorities, it has had to undertake without an organized army, with absolutely empty hands, against troops superior in number, organized, and much better armed. For six months a bloody battle has gone on against an enemy whose forces increase daily. By fighting with indefatigable energy up to this day the Esthonian people has succeeded in driving out the enemy and keeping him beyond its frontiers, in organizing a regular army, in giving itself an administration, in forming a Constituent Assembly representing it effectively and a Government recognized by all. The Esthonian people has already laid the bases for its independence by the acts of its fully authorized representatives. The Constituent Assembly of Esthonia, elected by the people according to democratic principles, has expressed the sovereign will of the Esthonian people by proclaiming solemnly, in the face of the world, that the acts of its representatives express its unshakable will to see Esthonia, through the reaches of territory inhabited by Esthonians, live free from all obligation with regard to Russia. On February 24, 1918, the tie which unites Russia to Esthonia was broken. Esthonia is today a democratic, self-governing and independent Republic. The Esthonian people is defending its rights and its life against the aggression of Bolshevik Russia and is firmly resolved to defend these with the last drop of its blood.

THE ESTHONIAN CONSTITUENT ASSEMBLY.

5. PROVISIONAL ORGANIC LAW OF THE REPUBLIC OF ESTHONIA,
JUNE 4, 1919

(*Bulletin de l'Esthonie*, No. 5, August-September, 1919, pp. 9-16, citing the *Riigi Teataja* of June 9, 1917)

I. GENERAL PROVISIONS

1. Esthonia forms an independent democratic Republic.

2. The territory of the Republic comprises: the districts of Harju, Jarva, Laane (Viek), Viru (including Narva and its environs), Tartu (Dorpat) with the island of Piirisaare; of the district of Petseri, the cantons of Petser, Isborsk, Pankovitsa and Labotka; the district of Woru with the canton of Wana Laitsina; the districts of Fellin and of Pernov with the cantons of Ipik, Laatre (Moisakula), Araveste, Metskula and Sooru, Luke, Oomuli, Podel, Ergmae and certain neighboring regions peopled by Esthonians; the islands of Oesel, Dago, Moon, Runo, Kihnu, Worms, Osmus, Pakri, Nargen, Aegna (Wolf) the Prangli and Tütarsar islands and certain other islands of the Baltic Sea, of the Gulf of Riga and of the Gulf of Finland within a line which, starting on the southern frontier of the canton of Heinaste, passes to the south of Greetagrunt up to $23^{\circ} 16'$ of longitude East of Greenwich and $57^{\circ} 40'$ North Latitude, then heads in the direction of Kalgrunt up to $22^{\circ} 45'$ E.L. and 58° N.L., and thence to the extremity of the sable banks of the Sorwe peninsula by 22° E.L. and $57^{\circ} 46'$ N.L., then rejoins the 21st meridian, which it follows to 59° N.L., then turns toward the Gulf of Finland by passing in a straight line a little north of the lowland of Revelstein, by 25° E.L. and $59^{\circ} 53'$ N.L. till it reaches the meridian of $28^{\circ} 10'$, a little north of the Island Suur Tütarsaar.

The final delimitation of the common frontiers of Esthonia with neighboring states will be fixed by way of international accords.

NOTE: The limits of the territories of the Esthonian Republic on the side of the sea are indicated on Map 1557 annexed hereto.

3. The Esthonian language is the official language of the State. In the localities where the majority of the population is

composed of non-Esthonians, it is permissible to make use of the language of this majority before the local government bodies, but every one may, if he prefers, make use of the official language of the State before these institutions.

The institutions of local self-government in their relations with the local organs of the central administration may use only the official language of the State.

Citizens belonging to local ethnic minorities have the right to present their requests to the organs of the central administration in their own language, provided that they do so in writing. The use of the language of ethnic minorities before the courts and before the local organs of the central authority is determined by a special law.

NOTE: Germans, Russians, Swedes and Letts are considered as local ethnic minorities.

II. OF THE RIGHTS AND THE DUTIES OF THE CITIZEN

4. All the citizens of the Republic are equal before the law. There exists neither privilege of classes nor distinctions of nobility throughout the territory of the Republic.

5. Elementary instruction is given to all children; it is obligatory and free. Every individual can receive this instruction in his mother tongue.

6. The human person and the domicile are inviolable. Secrecy of correspondence, freedom of conscience, of religion, of speech, of assembly, of association, of the press, as well as the right to change residence and the right to make use of his mother tongue are guaranteed to every citizen except in the cases provided for by law.

7. Every one has the right to an existence compatible with human dignity. To this end the law accords to all citizens the right to receive a certain amount of land which they may develop or where they may establish their habitations. It assures them the possibility of working, the protection of motherhood and of labor, and the assistance of the State to children, to the aged, to persons incapacitated for work and to defectives.

8. It is not possible to limit the rights and the liberties of

citizens or to impose on them special obligations except in the case where a state of siege has been proclaimed according to the rules and within the limits fixed by the laws relative to its proclamation.

III. OF THE PUBLIC POWERS

9. The supreme power in the Esthonian Republic belongs to the people. The Constituent Assembly elected by the people exercises this power in the name of the nation. The President of the Constituent Assembly is the legal representative of the country. In order to handle affairs in which he has to fill this rôle of representative of the country, he receives from the Government all the information concerning them which the Government possesses.

By order of the Constituent Assembly and under its control, the Government of the Republic exercises the supreme executive power. By order of the Constituent Assembly and in the name of the Republic, the Supreme Court of Justice of the State exercises the supreme judicial power.

The Constituent Assembly, the Government of the Republic and the Court of Justice exercise the power which is confided to them in defending national independence and the inviolability of the territory of the Republic, the rights and well-being of the people, internal public order, security, the rights and liberties of citizens.

IV. OF THE CONSTITUENT ASSEMBLY

10. The Constituent Assembly has for its mission to elaborate and promulgate the Constitution of the Republic of Esthonia which will determine the bases of the rights and of the liberties of citizens and also to establish the fundamentals of the agrarian law and of the principal social reforms.

11. So long as the legislative body provided for in the definitive constitution shall not have begun to function, the Constituent Assembly will exercise legislative and administrative powers; it has, among these, power:

(a) to prepare and promulgate the laws;

(b) to establish the budget of expenses and receipts, to ratify the accounts of the comptroller-general of finances of the State, to order the emission of loans and of moneys;

(c) to elect the members of the Government or ministers, or those who fulfil their functions, the President of the Government of the Republic or prime minister, and his proxy, the members and president of the Supreme Court of Justice, the Comptroller-General of Finances of the Republic; to ratify the nomination of members of the Council of Control of Accounts of the State;

(d) to examine and to ratify accords and alliances concluded with foreign states, to give powers to declare war or conclude peace, to proclaim the state of siege;

(e) to exercise its control over the acts of the Government of the Republic. To this end the Constituent Assembly disposes of the right to interpellate its members; it can cause them to be placed on trial. It may also give instructions and directions to the Government.

12. For the accomplishment of the current legislative works and of all the obligations incumbent upon the Constituent Assembly during the interval between the closing of one session and the opening of the next, this Assembly forms from the commissioners chosen by it from its membership a special legislative commission. The Constituent Assembly will fix in a more precise fashion, by a special law, the organization and competence of this commission.

13. The laws voted by the Constituent Assembly which are not of an urgent character must be submitted to popular referendum, if 25,000 citizens having the right to vote or one-third of the members of the Constituent Assembly so demand. The people can adopt or defer the application of these laws. The conditions and the time limits within which the referendum shall be effected will be determined by the Constituent Assembly.

Legislative initiative is assured to the citizens of the Republic, provided that the proposition of law emanating from popular initiative shall have been presented according to the forms prescribed by law and by at least 3,000 citizens having the right to vote.

14. The Constituent Assembly is convoked by its presidium

at the initiative of the latter or on the demand of the Government, or on the demand of 20 members of the Assembly.

In case of public calamity, the Constituent Assembly may be convoked directly by the Government of the Republic.

V. OF THE GOVERNMENT OF THE REPUBLIC

15. The supreme governmental and executive power of the Republic of Esthonia is exercised by the Government of the Republic. It directs all the affairs of the Republic, both internal and external, while conforming to the laws and decrees in force in Esthonia and also to the instructions and directions which are given it by the Constituent Assembly; thus

(a) it watches over the security and assures the defence of the Republic. In case of public calamity, the Government can, in the interval between the sessions of the Constituent Assembly, proclaim the state of siege through all the extent or only in a part of the territory of the Republic. In that event, it will immediately convoke the Constituent Assembly;

(b) it designates, on the proposal of the minister of war, the commander-in-chief of the army;

(c) it watches over the conduct of public finances and presents to the Constituent Assembly the proposals for the budget and the accounts of the receipts and expenditures of the State;

(d) it presents its draft laws to the Constituent Assembly;

(e) it renders account to the Constituent Assembly of its acts and of its projects.

16. The Government of the Republic is elected for one year or, if the definitive Constitution is elaborated and put in force before one year, for a period which will end the moment of the entry upon its duties of the Government formed according to the provisions of this Constitution.

17. The decisions of the Government are taken in common in the meetings of the Government. These meetings are presided over by the President of the Government or, in his absence, by his proxy. Both are elected for the duration of the Government.

The Government can take its decisions if at least half its mem-

bers are present. Meetings of the Government are not public.

The relations between the president and the members of the Government and the rules for the conduct of the Government will be fixed by a special law.

18. Matters belonging to the Government are distributed by the efforts of the Constituent Assembly between the members of the Government and the ministries of the departments which they concern.

There are eleven ministries, to wit: (1) Public Instruction; (2) Commerce and Industry; (3) Justice; (4) Agriculture; (5) Finances; (6) Interior; (7) War; (8) Ways and Communications; (9) Food Supply; (10) Labor and Public Welfare and (11) Foreign Affairs.

NOTE 1. The Constituent Assembly has the right to confide two or more departments to the care of a single member of the Government.

NOTE 2. For the defence of the cultural interests of the ethnic minorities of the country, there are created in the Ministry of Public Instruction special sections whose directors (national secretaries) are named by the Government on the proposal of organizations of the ethnic minorities concerned. In case the decisions of the Minister of the Interior should not give satisfaction to the "national secretaries," these have the right to present their requests to the Government through the intermediation of the Masters of Requests.

VI. OF THE RIGHTS OF MEMBERS OF THE CONSTITUENT ASSEMBLY AND OF MEMBERS OF THE GOVERNMENT

19. The members of the Constituent Assembly and of the Government ought to be held accountable, in a general fashion, both for the ordinary delicts and crimes committed by them during the run of their mandate and for the crimes or delicts committed by them in the accomplishment of or on the occasion of the accomplishment of their functions.

No one may be tried for opinions expressed or interpretations formulated before the Constituent Assembly or before its commissions.

20. Members of the Constituent Assembly or of the Government may not be tried for crimes or delicts committed by them, nor arrested, nor may their houses be searched, except by virtue of a decision of the Constituent Assembly, or, in the interval of its sessions, by a decision of the legislative commission provided for in Art. 12. If the answer of the Constituent Assembly to a demand for the prosecution of one of its members or of a member of the Government is negative, the affair will be definitely closed. If, on the contrary, the answer is in the affirmative, the accused shall cease to perform his functions and he will be judged by the Supreme Court of Justice.

21. The members of the Constituent Assembly and of the Government are not subject to military duties in connection with national defence.

VII. OF THE FORCE OF LAWS AND OF DECREES

22. All the laws and all the decrees at present in force will keep their validity so long as the Constituent Assembly, the Government of the Republic and the other competent authorities shall not have abrogated or modified them or completed them in forms prescribed by law, unless they shall have been already abrogated, modified or completed by the present law.

23. The laws of the Republic have legal force from their adoption by the Constituent Assembly or by the legislative institutions of the Republic and enter into force on their publication in the *Government Messenger* (*Rügi Teataja*) and the arrival of this organ to the places where the law is to be applied, unless the Constituent Assembly shall have provided another interval or other mode of publication.

VIII. OF THE ENTRY INTO FORCE AND OF THE MODIFICATION OF THE LAW FIXING THE PROVISIONAL RULES OF THE GOVERNMENT OF THE REPUBLIC

24. The present law fixing the provisional rules of government cannot be modified unless half of the members of the Constituent Assembly consent.

25. The provisional régime instituted by the present law will enter into force on the day of its publication in the *Riigi Teataja* and will remain in force up to the publication of the Constitution of the Republic of Esthonia.

The President of the Constituent Assembly, A. REI.

The Secretary, II. MARTNA.

6. AGRARIAN PROGRAM OF THE ESTHONIAN GOVERNMENT: EXCERPT FROM SPEECH OF PRIME MINISTER OTTO STRANDMAN TO THE CONSTITUENT ASSEMBLY, JULY 29, 1919

(*Estonian Review*, No. 2, August 12, 1919, pp. 1-2)

Our first task in order to place the independent State of Esthonia on a sound basis is to abolish the feudal conditions at present prevailing. It is indeed an astonishing thing that such mediæval conditions should continue to exist even now after the revolution, but unfortunately they do exist. It is possible that at the moment it is difficult to find the exterior forms of feudalism, but it is still with us in spirit. It is true that the hated police force under the control of the landed proprietor was abolished during the rule of the Kerensky government or a little earlier, but as soon as the Germans occupied the country, back came the oppressors, and the superintendent with his whip is still to be seen at his traditional work on many estates. Think how the landlords held together through centuries with the object of retaining every inch of their estates, only disposing of land to their own class. Such sales, too, were only effected when times were bad, and when better times came, they returned to the principle of consolidating the land in as few hands as possible. The first task that we have before us is to destroy this old order of affairs, to abolish all entails and similar privileges of the land-owning class. Then and then only may we rest assured that the feudalistic system now predominant will be definitely done away with and that we shall be able to look forward to brighter times. This is the leading purpose of the present bill.

A short explanation is necessary to justify the bill which we are introducing. Its first purpose is economic. . . . In Esthonia

the difficulty in obtaining land has been felt, not for decades but for centuries. The man in Esthonia who wanted land and was not prepared to work under the stick of the superintendent could never obtain it. . . . We know that perhaps a third of the Esthonian race have emigrated, obtaining land abroad under difficult conditions in order to be able to cultivate territory which they could call their own. These poor emigrants rented land in Russia and improved it immensely by their industry, and are now probably suffering under Bolshevist rule. Why were they not able to do the same thing in their homeland? Hundreds of thousands were obliged to emigrate. Why? Was it because land had been offered to them and they did not want to cultivate it? No, because the land was not given to them, and was locked up tightly. The peasant was permitted graciously to open up new woodland to cultivation, and when he had done so, the rent then asked of him was so high that he preferred to emigrate rather than submit to such extortion. The land-hunger has been with us always, even to the present moment. That is indisputable. We must abolish this land-hunger. In the future every man who wants land and is prepared to cultivate land must be able to obtain land. This must be our aim and I say that the first step in attaining this must be the disappearance of feudalism, or otherwise the people will cry out for land in vain.

For political reasons also we are obliged to liquidate these great estates. No other course is open to us. There are approximately eight hundred of these and their proprietors number some five or six thousand. We cannot permit five or six thousand individuals to rule the whole country and its population. We must take the power out of their hands and place it in those of the people. Then, and only then, can a people look with hope into the future with the feeling that they have their fate in their own hands.

The second difficult problem with which we are confronted is how to expropriate the land: whether to retain large estates or to adopt the policy of small holdings. The bill which we have before us has as its object to abolish large estates and replace them by small holdings. In West European countries the

system of small holdings has made great progress and has proved eminently successful. I have only to remind you of Denmark. If our people will only utilize the experience and knowledge which they have acquired by hard work extending over centuries, and if our young men with advanced ideas on agricultural matters will only spread their views among the people, we may rest assured that our small holdings will prosper and, after a period of intensive work, will compare with those in such leading agricultural countries as, for instance, Denmark. There is no reason for despair in regard to the future of small holdings. During the conversation which I had recently with a large estate-owner he asserted positively that the future of agriculture was in the hands of the small holder, and that the days of large estates were past. It is impossible to stem the movement in this direction, especially in such a country as ours, where it coincides with the abolition of feudalism. We are aware that large sums will have to be expended on housing, but this is inevitable. The small holding forms the basis of our Agrarian Bill and we intend to create small holdings of such a kind that their economic success is assured. . . . May the Constituent Assembly succeed in compiling such a law as will comply with the interests of our people and at the same time avoid those rocks of contention of which I have spoken, in this manner guaranteeing our peaceful development in the future.

7. THE CONSTITUENT ASSEMBLY'S DECLARATION OF INDEPENDENCE OF THE REPUBLIC OF ESTONIA

(*Estonian Review*, No. 1, Tallinn (Reval), August 5, 1919, pp. 1-3)

NOTE: This authentic document, published under the auspices of the Esthonian Foreign Office and here integrally reproduced, is interesting testimony to the fact that as late as August, 1919, "Estonia" was regarded as the official name of the country.

We, the duly elected representatives of the Estonian people, deem it our right and duty at this critical juncture in world

history to make the following declaration, addressing ourselves to all civilized nations.

In days of old the Estonians lived as a free and independent people on the Baltic Sea. Some seven hundred years back German invaders penetrated the country from the West, took possession of the land and reduced the inhabitants to serfdom. At different periods desperate efforts were made by the enslaved population to throw off the foreign yoke, but were bloodily suppressed, but nevertheless in the soul of the nation the memory of former freedom could not be stamped out, and although held down by force of arms and subjected to every humiliation, the Estonians secretly entertained the hope that there would come a time when they would be able to realize their most ardent desire to throw off their fetters and take their destiny in their own hands. At the outbreak of the Great War, the people of Estonia realized that the issue of this titanic struggle would see the materialization of nationalistic ideas and the recognition of the rights of small peoples, and their liberation from the oppression of nations striving for world power.

With this aim in view, the best sons of Estonia shed their blood and sacrificed their lives on foreign soil, confidently hoping that their efforts would not be in vain but would help to fulfill the destiny of their beloved country. When at last the right of self-determination of nations was proclaimed as a guiding principle, the Estonian people were among the first to acclaim it with joy and to put it into practice among themselves. At this moment when we are engaged in a bitter and desperate struggle to maintain our right to independent existence, pushing back a wave of anarchy and bloodshed, do we lay our case before the other free peoples and demand a proper place in the League of Nations as an independent state.

By what right do the Estonian people take this decisive step?

By the natural and inalienable right of self-determination, the inherent right of every vigorous nation, which force may temporarily suppress but which cannot be eradicated from the soul. This right has been won with the blood and sufferings of countless multitudes of all nations and has now received general recognition. The actual establishment of this right is the only

means of procuring peace, for which the civilized world is longing after experiencing all the miseries and horrors of war. Not for a moment can we admit the thought that this universal right be a dead letter in regard to ourselves. We, the Estonian people, recognize that this step means the definite severance of the bands which have united us for the last two hundred years to the Russian Empire, but we cannot forget that Russia has always treated us as strangers within its gates and has let every opportunity go by of creating a real bond of sympathy between itself and our race, and, added to this, is the memory of the wrongs done to us by Imperial Russia or, at any rate, with its acquiescence.

At the time when the Swedish Kingdom, with which our country was then politically connected, had taken some steps to ensure the welfare of the inhabitants and to protect their rights, Estonia was ceded to the Russian Empire. Then all hope of any improvement in our condition came to an end. The Russian Czars without hesitation acquiesced in all the exacting demands of the alien landlords, confirming their feudal rights and even extending them. Delivered bound to their oppressors, denied all the rights of free men, degraded to the position of goods and chattels which could be bought and sold, the Estonian people groaned under Russian rule for more than a century. At the beginning of the nineteenth century, the movement towards freedom, coming from the West, at last also broke the bonds of the Estonian people. This at first did not bring about any change in their material position, as the alien landlords still retained possession of the soil, their only source of livelihood. In order to support himself, the peasant was obliged to rent land from the landlord on most oppressive and unbearable conditions. No alternative was left open to him. His freedom of movement was confined within narrow limits, to emigrate was impossible and he was denied admission to the towns. At last, after the lapse of several decades, the right of settlement in the towns was accorded but even there trade and industry were closed to the peasant by narrow social privileges and trade regulations. Changing conditions at last brought about the right to purchase land, but the terms were

so hard that only a small part of the people were able in the course of time to profit by this privilege. The anti-nationalistic great landed proprietors meanwhile increased their estates by absorbing farms and villages. Hundreds and thousands of Estonians were compelled to emigrate and to seek a means of livelihood by their favorite work, farming land on the plains of Russia or in the forests of Siberia. Repeated representations were made to the Russian Government, and public opinion directed through the press to their unbearable condition, but the Russian Government turned a deaf ear to all appeals. On several occasions the peasants, driven to despair, attempted to rise, but such movements were suppressed by the Russian Government with an iron hand and no attempt whatever made to bring about a just solution of the trying agrarian conditions. Permission, however, was accorded to the German landlords to introduce foreign German colonists from Russia proper and Russian officials introduced schemes for colonizing tracts of land with Russian settlers, thus compelling the Estonian population to withdraw to the towns or to cross the frontiers and leaving the majority of the Estonians with an unsatisfied hunger for land.

Through their industry and application the Estonian people rose in time to a higher level of civilization, but they were not even accorded such a measure of self-government as the Russian people, standing at a much lower cultural level, possessed for a long time. All questions pertaining to the administration of the country, with the exception of the simplest social questions of the peasantry, were left to be regulated by the numerically small class of alien landlords, and everywhere was felt the authority and despotism of the Russian Governor and his officials. In the towns, after freedom of movement was granted, the Estonians were in the majority; but systematic governmental regulations prevented them from attaining an influence commensurate with their number. The local self-government of the towns remained in the hands of the small German minority.

A deep longing for knowledge is inherent in the Estonian people. At the cost of great personal sacrifices the parents manage to send their children to school and to give them the

advantage of a higher education. Those, however, who attained this object were forced to emigrate, as no career was open to them at home, all official positions being held by Russians to whom the language as well as the manners and customs of the country were strange and who were out of sympathy with the population.

This heterogeneous host of officials cared nothing for the creative powers of the people, nor for the well-being of the country, but did everything in its power to crush our national ideas and stem the movement for social betterment.

The foreign official was permitted to wound the very soul of the nation; he might trample on its ideals and strangle its aspirations—no punishment awaited him; on the contrary, promotion to a higher rank. Every measure possible was taken to russify the Estonian people. The Russian language was compulsory in all municipal offices and in the law courts. The intercourse with the foreign officials was extremely difficult, especially in the courts, where judges accustomed to foreign conditions had to give judgments on questions of vital interest to the people, conducting the proceedings with the aid of incompetent interpreters.

The German language was originally the basis of instruction in the schools, but later on was substituted the Russian. Even in the elementary schools, where the native language had been employed, the Russian language was now made dominant. In this manner the Estonian children were violated both mentally and spiritually, were systematically taught to underrate everything appertaining to their race, their mental horizon was curtailed in every way possible, and their natural progress impeded.

How the Russian Government oppressed its own people is common knowledge, so it is not difficult to imagine the depth of indignities to which subject races were submitted. The downfall of despotism was therefore greeted with joy by all subject races of the Russian Empire who hoped now that a change in their condition would take place. They were, however, bitterly deluded, as the old spirit was still predominant in the new Russia. At the demand of their representatives, provisional local autonomy was granted to Estonia which was ratified by

the Russian Provisional Government* on March 30/April 12, 1917. The desire for centralization, however, was still active, the attempts of the Russian officials to interfere with our affairs did not cease nor their studied contempt toward the Estonian people.

The Russian language, except in the elementary schools, remained the basis of instruction, and opposition was made to necessary educational reforms. In the local government offices the Estonian language was not conceded those rights which were its due as the language of a free people living on its native soil.

Shortly after this the reins of government fell into the hands of the Russian sailors' and soldiers' councils. After proclaiming the right of self-determination of nations in the broadest sense, they showed their good faith in this regard in Estonia by forcibly dissolving the Estonian National Council and overthrowing the government.

Even the right to defend our hearths and homes against the threatening German invasion was not conceded to us, as every hindrance was put in the way of Estonian soldiers from the disbanded Russian armies who wished to return to their homes, and finally the Russian Government, without asking our opinion and entirely against our will, sacrificed us to the German imperialistic land-hunger at the Treaty of Brest-Litovsk. During the trying times of the German occupation, the Estonian people resisted all the attempts of the invaders whether by oppression, coercion, or cajolery, to obtain their consent to the destruction of their political independence, and maintained this attitude with the greatest fortitude. As a result of the heavy blows of the Allied armies, the German forces collapsed, and we began again to breathe freely and look hopefully into the future. But yet again still worse sufferings awaited us. The armies of the Russian Soviet Government invaded the country. They knew that the Estonian people, just released from the oppression of the invaders, only thought of organizing their government, with the intention of abolishing inequitable conditions and creating a better and more equitable social state of affairs; but this did not prevent them from invading a country tired of war and suffering from want, bringing with them fresh calamities and

horrors, burning farms and villages, destroying supplies, murdering innocent people, even women and children, without mercy and carrying others away as prisoners.

Is it still the duty of the Estonian people, after considering all these wrongs and sufferings, to maintain the bonds which united them to the Russian Empire? It would be national suicide to voluntarily remain in union with such a country.

We have no desire to live in a state of hatred and enmity with the Russian people, but, on the contrary, we wish to maintain good neighborly and friendly relations, if they will only leave us to work out our own destiny. All ideas of extending their state beyond its boundaries are quite foreign to the Estonian people. We only desire to be masters in our own homeland and to regulate our affairs as we ourselves deem best, as is our natural right.

Can the Estonian people rule themselves and form an absolutely independent state?

Our past history gives a decisive affirmative answer to this question. The most trying conditions of living have neither been able to destroy our vitality nor our capacity for progress. The people have shown the most tenacious self-assertion, whenever an opportunity offered, of improving their standard of living both materially and socially.

When the possibility of owning land was opened to them, many laid the foundations of a modest competency by heavy toil and when the gates of the towns were unbarred to them, others made themselves economically independent by means of trade and industry. Out of this class of farmers and tradespeople was developed in a surprisingly short time a numerous professional class, many members of which devoted themselves in a most self-denying manner to the task of raising the cultural level of their less fortunate compatriots. During the latter half of the nineteenth century, when life became a little freer, an active movement was noticeable for the furtherance of every form of material and intellectual progress. Look where we will, in agriculture and handicraft, commerce and industry, science, literature and art, we find a growing number of clear-sighted and energetic workers. The entire country is covered

with a network of various economic, cooperative and scientific associations. Notwithstanding the obstacles thrown in our way by the Russian Government and their reactionary officials, our efforts have succeeded in placing the country on a comparatively secure economic basis and establishing a high standard of civilization.

Public instruction in Estonia is on a high level. A knowledge of reading and writing has been universal for the last thirty years; literary publications are read in great numbers, and Estonian newspapers and periodicals circulate among the people in hundreds of thousands of copies. As soon as the opportunity presented itself, the Estonian people formed a most effective political organization, establishing an independent government and expressing their will firmly and conscientiously at the general elections. But the most striking proof of the capacity and organizing ability of the Estonian people is shown in their conduct of the onerous war which was forced upon them. The action of the German army of occupation left the Estonian people the task of opposing without any organized army and, indeed, one may say, with bare hands the numerically vastly superior forces of the Russian Soviet Government, whose armies were well provided with war material and possessed already an organization. This invasion took place simultaneously with the withdrawal of the German forces. This unequal contest has been raging continuously for the last six months. Within this time, by constant fighting, we have cleared our country of the enemy and successfully defended our frontiers; we have, moreover, created a properly organized army, firmly established order in the country, and set up a generally recognized representative government by means of the Constituent Assembly.

All these facts support the belief and give us the right to hope that, once the Estonian people are freed from the war peril and the opportunity is given to them of developing their energy and ability in every direction, and of creating politically independent and socially just conditions, especially in regard to the settlement of the very painful agrarian question, then without doubt they will be able to establish their independence as a state on a firm basis and to maintain the necessary govern-

mental order, ruling themselves on the lines expected of a civilized state.

Making use of their natural rights, fulfilling the task inherited from the past and with a due sense of their heavy responsibilities in regard to the future, the Estonian people have laid the foundations of the independence of their state through the following acts which were proclaimed through their properly qualified representatives:

A proclamation of the National Council on November 15/28, 1917, declaring itself as the supreme power in the country; the establishment of a Committee of Public Safety by the Standing Committee of the Estonian National Council on February 13, 1918; proclamation of the Republic of Estonia by the Standing Committee of the Estonian National Council on February 24, 1918; proclamation by the Committee of Public Safety of the Establishment of a Provisional Government and a Proclamation of the Provisional Government on November 11, 1918, announcing that they had taken up again the reins of government, which had been removed from their hands by the invading Germans.

Finally, the Estonian Constituent Assembly, elected by the people on a general franchise, voting being equal, direct, secret and proportional, and regardless of sex, creed or nationality, representing therefore all political and social parties, declares the supreme will of the Estonian people, affirming solemnly before all the nations of the world that the aforesaid acts convey the Estonian people's firm and irrevocable intention of maintaining the territories in which they dwell completely free of all allegiance to the Russian Empire, that the bond between the Estonian Republic and Russia was severed on the 24th of February, 1918, and that from henceforth Estonia is an absolutely independent democratic republic. The best sons of the nation have been shedding their blood for the last six months in the defence of our independence. The Estonian people are employing all their efforts to hold back the all-destroying forces of Bolshevistic Russia and are resolved on defending their rightful independence with their last drop of blood.

THE ESTONIAN CONSTITUENT ASSEMBLY.

8. ADDRESS OF LATVIAN POLITICAL PARTIES TO THE ESTHONIAN
CONSTITUENT ASSEMBLY

(*Bulletin de l'Esthonie*, No. 5, August-September, 1919, pp. 7-8)

For seven centuries the yoke imposed by foreign and enemy powers has weighed upon our peoples. The victory of the Allies and the dislocation of Russia have at last opened up a future of liberty and happiness to them. Nevertheless, hidden forces are opposed to the just and common demands of our peoples to freely determine their own fate, and do not wish to admit their impotence. To drown in their blood our independence, our rights, and to reduce us to serfdom, they are seeking to unite about them all the elements hostile to the independence of our states and to their democratic organization. Profiting from the benevolent relations subsisting between the occupying powers and the local Germans, the local nobility and reactionary German circles have been the first to show such a design. They have organized and equipped with the aid of Germany an armed force—a thing which the occupying authorities did not permit the Letts to do. Following Pan-German policy, this army, acting in concert with the German troops, has possessed itself of State power in Latvia and has prevented the legitimate government from fulfilling its duties. It has organized a Government favorable to these projects and has finally declared war on Esthonia with a view to annihilating the independence, autonomy and democratic organization of the country. But the criminal Pan-German plot has broken down on account of the firm resolution of Esthonia and Latvia to defend by their own means the inalienable rights of their peoples. The German ruffians and their consorts, beaten at the gates of Riga and on the borders of the Dvina have been forced to capitulate. These black knights have not reached the frontiers of Esthonia; their power has been broken in Latvia. All the political parties of Latvia recognize the enormous merit of Esthonia in the action which she has taken to give a final blow to the criminal projects conceived by our common enemy and express to the Esthonian people their sincere recognition. The political parties of Latvia

have the firm conviction that in the future the two states will fight side by side against any enemy threatening the independence, autonomy, and democratic administration of our States.

The alliance of our two countries which have together poured out their blood on the fields of battle will subsist to defend them against their enemies and to inspire them with enthusiasm. We will follow in common the path of economic and cultural development which will lead us towards a happy future.

The Social Democratic Party of the Workers of Latvia.

The Social Revolutionary Party of Latvia.

The Peasant Union.

The Latgallian section of the National Council.

The Radical Democratic Party of Latvia.

The Latvian Democratic Party.

The National Democratic Party of Latvia.

The Latvian Republican Party.

9. RESOLUTION OF THE ESTHONIAN CONSTITUENT ASSEMBLY,
SEPTEMBER 12, 1919

(*The Esthonian Review*, Vol. I, p. 139)

Having heard the declaration of the Government of the Republic in connection with the opening of peace negotiations with the Russian Soviet Government, the Constituent Assembly declares:

The Esthonian Republic was compelled to defend its independence and safety against the aggression of the Russian Soviet Republic's forces. The valiant Esthonian people's army has nobly accomplished this task, and is now forming a steel wall in defence of the frontiers of the State.

The Constituent Assembly sends its warmest greeting to the people's army in the firm hope that the army will also in the future oppose the attacks of the Bolsheviks unflinchingly.

Now that the Russian Soviet Government has made peace proposals, the Constituent Assembly finds that the Esthonian State has no reasons for refusing to take notice of these pro-

posals, as from the very beginning our people have conducted this war in self-defence.

The future peace should guarantee Esthonia's safety and independence, realize our people's requirements and requite their sufferings and sacrifices, and also be in agreement with the just wishes and desires of the nations and states friendly to us.

The Constituent Assembly confirms the steps taken by the Government in connection with the Peace Proposals and passes on to the order of the day.

10. DECLARATION OF THE BALTIC CONFERENCE, TARTU, OCTOBER 1, 1919

(*The Esthonian Review*, Vol. I, pp. 161-162)

The following declaration has been made by the Conference of the Baltic States:

A section of the press of Western Europe severely condemns the decision of the Baltic States to enter into peace negotiations with the Russian Soviet Government, which is an obvious proof that public opinion there is insufficiently informed as to the actual circumstances. In acquiescing to the proposal of the Soviet Government, the Baltic States have acted in accordance with the principles approved by the Peace Conference, in convoking the Conference of the Prinkipo Islands, and in trying by conventions to put an end to the shedding of blood, and to guarantee to every nation the rights for which it fought. Soviet Russia was the aggressor. The Baltic States stood on the defensive. If, however, the Soviet Government has renounced its war aims and has declared itself ready to recognize the complete independence of the Baltic States, the latter, being desirous neither of extending their frontiers nor of meddling in Russian affairs, have in consequence no reason whatever to carry on military operations, seeing that the Bolshevik Government is in a position to propose and to give the necessary guarantees for the fulfilment of its promises. The possibility and the manner of fulfilment can only be elucidated by pourparlers. Nevertheless, considering the real character of the

Bolshevist Government, the Baltic States can only conclude peace on the condition that their internal life be guaranteed against the propaganda of Bolshevist Russia. The Governments of the Baltic States also believe that the Great Allied Powers and Associates, having promised at different times to do all in their power for the establishing of peace in Eastern Europe, will help them in the task they have undertaken, and will not refuse their counsel to the Baltic States nor the lending of their aid through the medium of the League of Nations, nor in other ways, that the guarantees given be observed. It is necessary to state, in order to avoid misunderstandings, that the Baltic States, in fighting for the independence of their countries and the integrity of their frontiers, had no illusions about the designs upon their independence of those who might conquer the Bolsheviks, but who were a greater menace to the liberty of the Baltic States than the Bolsheviks themselves.

We fear the menace of a new war, and the Baltic States have neither the desire nor the will to precipitate its approach, and this they would do by acting on the principles of Kolitchak and his adherents in Western Europe, and by continuing the struggle against Soviet Russia.

11. APPEAL OF THE BALTIC STATES TO THE WESTERN DEMOCRACIES, OCTOBER 1, 1919

(*The Estonian Review*, Vol. I, p. 161)

Estonia, Latvia and Lithuania address themselves to the Allies and to Public Opinion.

The Democratic Baltic States have fought for their liberty, and not for the annexation of foreign territory. They desire only to liberate their respective peoples, and in so doing to fulfil the principle of self-determination.

It is not their intention to intervene in the internal affairs of Russia.

At present they are prepared to enter into pourparlers with Russia, but in order to safeguard their future, they earnestly

request the great democratic states to control the fulfilment of the treaty should peace be concluded.

(Signed) POSKA, Esthonian Foreign Minister.

PIIP, Esthonian Representative in London.

MEIEROVICS, Latvian Foreign Minister.

ZAUNIS, Deputy Foreign Minister of Lithuania.

12. THE CONSTITUTION OF THE ESTHONIAN REPUBLIC, OF JUNE 15, 1920

(Text furnished by the Esthonian Ministry of Foreign Affairs, Tallinn)

The Esthonian people, with unshaken faith and the resolute will to create a State based on justice, law and liberty, for the defence of internal and external peace, and as a pledge for the social progress and general welfare of present and future generations, has drawn up and accepted through the Constituent Assembly the Constitution as follows:

I. GENERAL DISPOSITIONS

Par. 1. Esthonia is an independent autonomous Republic in which the power of the State is in the hands of the people.

Par. 2. To the territory of Esthonia belong Harjumaa, Läänemaa, Järwamaa, Wirumaa with the town of Narwa and district, Tartumaa, Wiljandimaa, Pärnumaa, the town of Walk, Wõrumaa, Petserimaa and other border regions inhabited by Esthonians, the islands of Saaremaa (Oesel), Muhumaa (Moon), and Iliiumaa (Dago), and other islands and reefs situated in Esthonian waters.

The fixation of the Esthonian frontiers will be determined by international treaties.

Par. 3. The Esthonian State Power cannot be exercised by anybody otherwise than on the basis of the Constitution and the laws passed in accordance with the Constitution.

Par. 4. The laws in force in Esthonia are those passed or recognized by her own institutions. The generally accepted pre-

cepts of international law are valid in Esthonia as an inseparable part of her juridical order.

Ignorance of the law can in no case be pleaded as an excuse.

Par. 5. The State language of the Esthonian Republic is Esthonian.

II. ON THE FUNDAMENTAL RIGHTS OF ESTHONIAN CITIZENS

Par. 6. All Esthonian citizens are equal in the eyes of law. There cannot be any public privileges or prejudices derived from birth, religion, sex, rank or nationality. In Esthonia there are no legal class divisions or titles.

Par. 7. The Esthonian Republic confers no decorations or marks of distinction on its citizens, excepting members of the defence forces in time of war. Esthonian citizens have likewise no right to accept orders or distinctions from foreign states.

Par. 8. Personal inviolability is guaranteed in Esthonia. No one can be prosecuted except in cases and ways foreseen by the law. Unless caught in the act no person can be arrested or his personal liberty be restricted otherwise than by decision of the judicial authorities, and this decision, with all grounds, must be communicated to the person arrested at the latest three days after arrest. Any citizen has the right to demand the communication of the above decision to the imprisoned, if this has not been done in the period mentioned.

It is impossible to transfer any citizen against his will for trial by any other court than the one designated by the law.

Par. 9. No punishment can be inflicted on anybody for a deed not acknowledged by the law as punishable before the crime was committed.

Par. 10. The homestead is inviolable. No forcible entrance of the home or search there is allowed except in cases and in execution of the requirements indicated by law.

Par. 11. In Esthonia there is freedom of religion and conscience. Nobody is obliged to perform ritualistic acts or to be a member of a religious body or undertake public obligations in the interests of same.

The practice of religious acts is not hindered, provided it does not interfere with public order and morals.

Creed and outlook cannot be made the excuse for any offence or for the avoiding of the duties of a citizen.

There is no State religion in Esthonia.

Par. 12. Science, art, and the teaching of same are free in Esthonia. Education is compulsory for children arrived at the school age and is gratuitous in elementary schools. The minority nationalities are guaranteed education in their mother tongue. Education is carried out under the control of the Government.

Autonomy is guaranteed to high schools within the limits foreseen by the statutes of the institution passed in a legislative way.

Par. 13. In Esthonia there is freedom for the expression of personal ideas in words, print, letters, pictures and sculpture. This freedom can be restricted only in the defence of the State and morals.

There is no censorship in Esthonia.

Par. 14. In Esthonia is guaranteed the secrecy of messages and letters transmitted through the post, telegraph, telephone, and any other general means. Exception can only be made by the judicial authorities in cases foreseen by law.

Par. 15. The right to apply or address complaints to public departments is guaranteed in Esthonia. The applications or complaints must not be accompanied by coercive measures. The departments in question are bound to give the matter legal motion.

Par. 16. Previous permission need not be obtained for the arraignment of Government officials.

Par. 17. Removal and change of domicile are free in Esthonia. In this freedom nobody can be restricted or hindered otherwise than by the judicial authorities.

In the interests of public health such freedom can be restricted also by other authorities in cases and in ways foreseen in the corresponding laws.

Par. 18. All Esthonian citizens have the right to hold public

meetings unarmed, provided they are not disturbing to the public peace.

The forming of associations and unions is free in Esthonia.

Freedom to strike is guaranteed in Esthonia.

The law can restrict these rights only in the interest of public safety.

Par. 19. Liberty in the choice of occupation, the opening of business concerns and exploitation of the same, as well in agriculture, commerce and industry, as in other economic branches, is guaranteed in Esthonia. Nobody can be restricted or hindered in this freedom otherwise than on the basis and within the limits of the laws.

Par. 20. Every Esthonian citizen is free to determine his or her nationality. In cases where individual choice is impossible, it will be done in the way foreseen by law.

Par. 21. The members of minority nationalities within the confines of Esthonia may form corresponding autonomous institutions for the promotion of the interests of their national culture and welfare in so far as these do not run contrary to the interests of the State.

Par. 22. In those parts where the majority of the inhabitants are not Esthonian but local minority nationals, the business language in the local self-government institutions can be in the language of these minority nationals, while everybody has the right to use the State language in such institutions. The local self-government institutions in which the language of the minority is used must, in their intercourse with State institutions, employ the State language, as also with other local self-government institutions where the language of this minority nationality is not used.

Par. 23. Citizens of German, Russian, and Swedish nationality have the right to address themselves to the State central institutions in the writing of their own language. The use of the language of these nationals in court, as also in the institutions of self-government, will be decided in detail by special law.

Par. 24. The right of private property is guaranteed in Esthonia to every citizen. Without the owner's consent it can be

expropriated only in the common interest in accordance with the corresponding laws, and in the ways foreseen in the laws.

Par. 25. The organization of the economic life in Esthonia must correspond with the principles of justice, the object of which is the securing of conditions of living worthy of human beings by corresponding laws relating to the acquiring of land for cultivation and a home, and the obtaining of employment, as well as the necessary support for the protection of maternity, labor, youth, old age, disability, and in cases of accident.

Par. 26. The rights and freedom of citizens referred to in paragraphs 6-24 do not exclude other rights emanating from the principles of this constitution or which are in agreement with it.

Extraordinary restrictions of the freedom and fundamental rights of citizens come into force in the event of the proclamation of a State of Defence during a stated period, announced in the legal way on the basis and within the limits of the corresponding laws.

III. ON THE PEOPLE

Par. 27. The supreme executor of the State Power in Esthonia is the people itself, through the medium of the citizens having the right to vote. Every citizen arrived at the age of twenty and of Esthonian citizenship for a consecutive period of at least one year has the right to vote.

Par. 28. Citizens are not enfranchised:

(a) who in a legal way are pronounced to be idiots or lunatics; and

(b) the blind, deaf-mutes, and persons considered as wasters when they have been placed under guardianship.

The vote will be withheld from certain categories of criminals according to the electoral law of the State Assembly.

Par. 29. The people exercises the State Power

(a) by plebiscite;

(b) by their initiative in legislation; and

(c) by the election of the State Assembly.

Par. 30. Every law passed by the State Assembly remains unpromulgated for a period of two months dating from the day

of its passing if one-third of the legal number of members of the State Assembly requires it. If, during this period, 25,000 enfranchised citizens demand that this law be submitted to a plebiscite for acceptance or rejection, the promulgation or non-promulgation of this particular law will depend on the results of this plebiscite.

Par. 31. The procedure followed in the legislative initiative of the people is that 25,000 of the enfranchised citizens have the right to require that a law shall be passed, changed, or cancelled. The respective request in the form of an elaborated draft will be submitted to the State Assembly. The State Assembly can either pass this draft as a law or reject it. In the latter case, the draft will be submitted to the people in the form of a plebiscite for acceptance or rejection. If in the plebiscite the majority decide in favor of the law in question, it acquires the force of a law.

Par. 32. If the people reject a law passed by the State Assembly or accept a law rejected by the Assembly, new elections of the State Assembly will be proclaimed, these elections to take place not later than seventy-five days after the plebiscite.

Par. 33. Plebiscites must be conducted under the control of the Presidium of the State Assembly. The basis and procedure of the plebiscite are ordained by a special law.

Par. 34. The budget, the raising of loans, income tax laws, declaration of war and the making of peace, declaration of a state of defence and termination of same, declaration of mobilization and demobilization, as well as treaties with foreign States, are not subject to a plebiscite and cannot be decided by a plebiscite.

IV. ON THE STATE ASSEMBLY

Par. 35. As the representative of the people, the State Assembly exercises the legislative power.

Par. 36. The State Assembly consists of 100 members elected by universal, equal, direct, and secret suffrage on the principle of proportional representation. The State Assembly has the right to augment the number of its members. The law established in regard to this will come into force at the next elec-

tions of the State Assembly. The electoral law of the State Assembly will be passed as a special law.

Par. 37. Every enfranchised citizen has the right to participate in the election of the State Assembly or allow himself to be elected a member of the State Assembly.

Par. 38. The members of the State Assembly, with the exception of deputies or members of the Republican Government, cannot be appointed to any office by the Republican Government or its institutions.

Par. 39. Every three years elections of the State Assembly are to take place. The beginning of the powers of the members of the State Assembly dates from the declaration of the results of the election.

Par. 40. In the event of a member of the State Assembly losing his vote or of his detention by consent of the State Assembly or his death or resignation, he will be replaced by a new member, according to the electoral law, until the term mentioned in the foregoing paragraph.

Par. 41. The State Assembly meets for ordinary sessions on the first Monday of October of each year.

Par. 42. The Presidium of the State Assembly can summon the State Assembly for extraordinary sittings when necessitated by circumstances. They are obliged to do this if it is demanded by the Republican Government or one-fourth of the legal number of members of the State Assembly.

Par. 43. The State Assembly elects the President and the other members of the Presidium at the first meeting after the elections. This meeting is presided over by the chairman of the previous State Assembly until the election of the President.

Par. 44. The State Assembly issues its standing order which shall be promulgated as law.

Par. 45. The members of the State Assembly are not bound by mandates.

Par. 46. The State Assembly can act when at least one-half of the legal number of members are present.

Par. 47. The meetings of the State Assembly are public. Only in extraordinary cases, if two-thirds of the members agree, the sitting of the State Assembly can be declared secret.

Par. 48. The members of the State Assembly have no responsibility for their political declarations in the State Assembly or in its committees, except that foreseen in the standing order.

Par. 49. Without the consent of the State Assembly its members cannot be arrested except in case they are detected *flagrante delicto*. In such cases the arrest, together with its reasons, must be communicated at the latest forty-eight hours after to the Presidium of the State Assembly, which will submit it to the decision of the State Assembly at its next meeting.

The State Assembly has the right to postpone the imprisonment or any other restriction of its members until the Assembly vacation or until the expiration of his membership.

Par. 50. Members of the State Assembly are exempted from defence service during the period of their membership.

Par. 51. Members of the State Assembly are in receipt of salaries and travelling expenses, the amount of which is fixed by law and can only be altered by the State Assembly for the subsequent Assemblies.

Par. 52. The State Assembly passes laws, fixes the budget, the State revenue and expenditure, and decides about loans and other matters on the basis of the Constitution.

Par. 53. The laws passed by the State Assembly are promulgated by the Presidium of the State Assembly.

Par. 54. If the way and date are not foreseen in the law itself, it becomes operative on the tenth day after its promulgation in the State journal "Riigi Teataja."

Par. 55. The State Assembly through its corresponding institutions controls the economic life of the State enterprises and institutions as well as the carrying out of the State budget.

Par. 56. Each member of the State Assembly has the right to put questions at the sittings of the Assembly to the Government. One-fourth of the legal number of members of the State Assembly has the right to interpellate, on which an explanation must be given.

V. ON THE GOVERNMENT

Par. 57. The Republican Government executes the governing power in Esthonia.

Par. 58. The Government consists of the State Head (Riigivanem) and Ministers. The number of the latter, their office, and detailed order of business are to be established by special law.

Par. 59. The State Assembly forms the Government and accepts its resignation. On the resignation of a minister, his duties are to be performed by a member of the Government who is nominated by the latter, until a new minister enters into office.

Par. 60. The Republican Government direct the home and foreign policy, attend to the internal and external security and the observance of the laws. They

(1) Prepare the estimates of the expenditure and revenue of the State and submit them to the State Assembly for approbation.

(2) Appoint military and civil officials to posts and dismiss them, in so far as this duty is not confided by the laws to other institutions.

(3) Conclude treaties with other States on behalf of the Esthonian Republic, and lay them before the State Assembly for ratification.

(4) Declare war and conclude peace on the basis of the corresponding decisions of the State Assembly.

(5) Proclaim a state of defence as well in single parts as in the whole of the State, which they submit to the State Assembly for approbation.

(6) Present the drafts of bills to the State Assembly.

(7) Issue regulations and orders on the basis of the laws.

(8) Decide petitions for mercy.

Par. 61. The State Head represents the Esthonian Republic, leads and unifies the activities of the Republican Government, presides over the meetings of the Government and is authorized to interpellate any particular minister.

Par. 62. The Republican Government appoints a member of the Government to deputize for the State Head.

Par. 63. The meetings of the Government are secret. Only on special solemn occasions can they be declared public.

Par. 64. The Republican Government must possess the confi-

dence of the State Assembly. The Government or its members have to resign if the State Assembly expresses a direct declaration of absence of confidence in them.

Par. 65. The State Chancery is established by the Republican Government and superintended by the State Head. The State Chancery is directed by the State Secretary, appointed by the Republican Government.

Par. 66. All acts of governing issued by the Government must bear the signatures of the State Head, the respective minister, and the State Secretary.

Par. 67. The State Head and ministers can be brought to trial for the usual delinquencies on the basis of the respective decision of the State Assembly only. The examination is within the jurisdiction of the State Court.

VI. ON COURTS OF JUSTICE

Par. 68. The administration of justice in Esthonia is exercised in the Courts of Justice, which are independent in their activities.

Par. 69. The supreme judicial power in Esthonia is exercised by the State Court of Justice, formed of State Judges elected by the State Assembly.

Par. 70. These judges, who, according to laws, are not elected, are appointed by the State Court.

Par. 71. Judges can be dismissed only by the Court. Judges can be replaced against their will only in cases depending on the execution of the law.

Par. 72. Judges cannot hold, except in cases foreseen by the law, any other paid engagement.

Par. 73. According to the basis and ways of the corresponding laws, certain categories of criminal acts come under the jurisdiction of the Assize Court. The previous paragraph is not binding on jurymen.

Par. 74. Extraordinary Courts are allowed within the limits of the corresponding laws only, in time of war, during a state of defence, and on men-of-war.

VII. ON SELF-GOVERNMENT

Par. 75. Through the self-government bodies the State Power exercises the local governing so far as there is no special institution created by law.

Par. 76. The representative bodies of self-government units are elected by universal, equal, direct, and secret suffrage on the principle of proportional representation.

Par. 77. The self-government units are entitled, for the accomplishment of their object, to levy rates and impose duties within the limits and ways fixed by the law.

VIII. ON DEFENCE OF THE STATE

Par. 78. All Esthonian citizens are obliged, on the basis and ways laid down in the law, to take part in the defence of the Republic.

Par. 79. For the defence of the Republic defence forces are formed, the organization of which will be fixed by special law.

Par. 80. On the order of mobilization, as also on the beginning of war, the command of the defence forces of the Republic goes from the Republican Government to the special commander-in-chief, the limit of whose power is fixed in a special law.

Par. 81. The Republican Government is entitled, on the basis and ways foreseen in a special law, to pass regulations and instructions concerning the defence forces.

Par. 82. The State Assembly decides as to the order of mobilization of the troops of the Republic.

The Republican Government is empowered to order mobilization without awaiting the decision of the State Assembly if a foreign State has declared war, commenced war activities, or ordered mobilization against the Republic.

IX. ON THE STATE TAXES AND BUDGET

Par. 83. No public tax or duty can be imposed on anybody unless on the basis of the law.

Par. 84. Out of the expenses of the State no pension, grant,

or other remuneration can be allowed unless on the basis of the corresponding law.

Par. 85. For every year the general budget of income and expenditure will be composed for the State. Its validity can be partly prolonged in the legislative way until the passing of the new budget.

X. ON THE POWER OF ALTERATION OF THE CONSTITUTIONAL LAW

Par. 86. The Constitution is the unshaken rule for the actions of the State Assembly, Courts, and the Government institutions.

Par. 87. The initiative for the alteration of the Constitution belongs to the people in the way of the initiative of the people, as also to the State Assembly in the ordinary way.

Par. 88. The alteration of the Constitution, whether initiated in the way of the people's initiative or by the State Assembly, is decided by the people by way of plebiscite.

Par. 89. The project of the alteration of the Constitution must be communicated to the people at least three months before the day of the plebiscite.

LATVIA

1. APPEAL OF THE LATVIAN NATIONAL COUNCIL TO THE ALLIED PEOPLES, ISSUED AT WALK, NOVEMBER 19, 1917

(*La Revue Baltique*, No. 1, p. 20)

Having in view the tendency of the Lettish people towards an independent policy and an autonomous Latvia—tendencies which were clearly distinguishable in the days of the struggle for liberty in 1905—by basing its claim on the principle of the right of nations to self-determination,

The Latvian National Council protests energetically against any division of Latvia, and above all against the annexation of Courland or all of Latvia to Germany. It repudiates formally all intimacy with Germany.

The Council declares: Latvia, which embraces Courland, Livonia and Latgale is an autonomous unit. Its status, as well as the questions concerning its internal and foreign policy, can be defined only by the Latvian Constituent Assembly and national plebiscite.

Signed, ZAMUELS,
President of the Latvian National Council.

2. PROCLAMATION OF THE LATVIAN REPUBLIC, NOVEMBER 18, 1918

(*Mémoire Présenté par la Délégation Latvienne à l'Assemblée de la Société des Nations*, p. 11)

CITIZENS OF LATVIA:

The National Council, which recognizes itself as the sole bearer of sovereign power in the Latvian State declares:

(1) Latvia—within the ethnographic unity of its frontiers (Courland, Livonia and Latgale)—is an independent and democratic republic. The Constitution and relations with foreign states will be established and regulated in the near future by

the Constituent Assembly elected on the basis of universal, direct, equal, secret and proportional suffrage for both sexes.

(2) The National Council of Latvia has established the Provisional Government of Latvia which is invested with the sovereign power in Latvia. The National Council of Latvia invites the citizens of Latvia to maintain peace and order and to sustain with all their forces the Provisional Government of Latvia in its difficult and highly responsible task.

Riga, November 18, 1918.

The Prime Minister of the Provisional
Government of Latvia,

ULMANIS.

The Vice-President of the National
Council of Latvia,

ZEMGALS.

3. POLITICAL PLATFORM OF THE NATIONAL COUNCIL OF LATVIA, NOVEMBER 18, 1918

(*Mémoire . . . à l'Assemblée de la Société des Nations*, p. 11)

1. *The Constituent Assembly.*

(1) The Constituent Assembly ought to be convoked in the near future.

(2) The members of the Constituent Assembly are elected by both sexes on the basis of universal, direct, equal, secret and proportional suffrage.

2. *Constitution and relations of the State with other States.*

(1) A republic based on democratic principles.

(2) A united and independent Latvia in the Society of Nations.

3. *Supreme Power and political and economic order of the State.*

(1) The supreme power belongs to the National Council up to the moment of the convocation of the Constituent Assembly, which also names the Provisional Government.

(2) In the National Council of Latvia there take part delegates (a) of the political parties, (b) of the national minorities, and (c) of the districts of Latvia, particularly Courland and Latgale, in which for the moment there exist no political parties.

(3) The formation of the Provisional Government ought to keep account of the principles of coalition.

(4) Up to the time of the convocation of the Constituent Assembly, the executive power is in the hands of the Provisional Government.

(5) Up to the time of the convocation of the Constituent Assembly the Provisional Government does not have the power to change the social order now in force.

4. *Rights of other nationalities.*

(1) National minorities and their representatives to the Constituent Assembly and to the legislative institutions according to the principles of proportional voting.

(2) National minorities forming part of the National Council take part in the Provisional Government on the basis of Chapter III, Section 3.

(3) The cultural and national rights of national groups should be guaranteed by the fundamental laws.

5. *Rights of Citizens.*

(1) Freedom of the press, of speech, and of assembly should be guaranteed by the rules laid down by the Provisional Government.

(2) Amnesty in all except criminal cases.

(3) Opportunity for all Latvian citizens to return to their country.

6. *Defence of the State.*

(1) The militia of the Latvian nation (defence forces) should be established on the principle of conscription without excluding volunteer service. The militia (national defence forces) are under the direct supervision of the Provisional Government, which organizes national defence.

(2) The German forces must be evacuated within the specified time.

7. *Self-Government.*

(1) The election of institutions of local self-government should be effected on the principles of Chapter I, Section 2. Up to the time of the convocation of the Constituent Assembly the date of this election should be fixed by the Provisional Government which also organizes the provisional local self-government institutions.

The Vice-President of the National
Council of Latvia,

ZEMGALS.

4. PROTEST OF THE LATVIAN POLITICAL PARTIES AGAINST THE GERMAN COUP D'ÉTAT AT LIBAU, APRIL 19, 1919

(*La Revue Baltique*, No. 9, May, 1919, pp. 231-2)

Concerning the German plot in Latvia and the overthrow of the Provisional Government by the Landeswehr and the German troops, the undersigned Latvian political parties declare as follows:

1. The Latvian troops have not participated in the overthrow of the Latvian Government and are doing their duty on the front;

2. The plot was carried out exclusively by the Landeswehr organized by the German-Balt nobility and the German troops at the instigation of persons belonging to the nobility. The direction of the plot was in the hands of the former Marshal of the Livonian nobility, von Stryk. The leaders are: the shock battalion of the Landeswehr of Baron Manteuffel, von Brümmer, von Hahn and others;

3. Despite the declarations made by the pretended "Committee of Safety," the plot has been, at all times and throughout, a sort of conspiracy in which no Latvian political party or group of the Latvian population has participated;

4. The aim of the revolt is the restoration and the reinforcement of the power of the German minority hostile to the Latvian people and the Latvian State, for the power of the German-

Balt nobility is in direct opposition to the spirit of the new Germany and to the principle of self-determination;

5. The pretended "Committee of Safety" drags into its report the name of the Entente. We are persuaded that the Entente has nothing in common with the said "Committee of Safety" and that the conspiracy is directed against the Entente as much as against Latvia;

6. We protest against this fact: that the plot is sustained by the German occupying authorities in the person of Count von der Goltz, and ask if the German Government and the National Assembly approve his interference in the internal affairs of Latvia;

7. We have no confidence in the pretended democracy of the "Committee of Safety"; we see in it, on the contrary, the realization of the program of the reactionary nobility;

8. We declare that the Latvian political parties will not send representatives to the cabinet which a somewhat anonymous "Committee of Safety" wishes to establish. A Government imposed by force, even if it is constituted and recognized by Germany, will not be recognized by the citizens of Latvia;

9. We insist and demand that the Constitution of Latvia shall be elaborated solely by the Latvian Constituent Assembly, elected according to democratic principles, and that until its meeting in Latvia, the Provisional Government of Latvia, already constituted by the free union of the representatives of the majority of the country, shall be the only authorized body.

Signed:

1. *The Social Democratic Labor Party of Latvia.*
2. *The Union of Latvian Peasants.*
3. *The Latvian Democratic Party.*
4. *The Latvian Radical-Democratic Party.*
5. *The Latvian National-Democratic Party.*
6. *The Latvian Republican Party.*
7. *The Group for the Independence of Latvia.*

5. WARNING FROM GENERAL VON DER GOLTZ TO THE LATVIAN
POPULATION, APRIL 24, 1919

(*La Revue Baltique*, No. 9, May, 1919, pp. 253-254)

NOTICE:

I am alone the Supreme Commander of all the military forces and of all the military establishments now found in Latvia.

All the military forces found at the front, of whatsoever nationality they may be, as well as the persons in military service behind the lines, in no matter what locality and irrespective of the nationality to which they belong—German, Latvian, Balt or Russian—are subject to my sole Supreme Command, and to my surveillance.

No one has the right to give to no matter what detachment of the troops or to the persons forming part thereof, orders which, in their content or in their form, contravene those which I have myself given.

I enjoin the public to abstain from all disorder.

To any attempt at civil war or guerrilla warfare, from whatever side it may be begun, I will oppose myself with an iron fist and without mercy.

GRAF VON DER GOLTZ.

Libau, 24 April, 1919.

6. RESOLUTION OF THE COUNCIL OF STATE OF LATVIA, MAY 12,
1919

(*La Revue Baltique*, No. 10, June, 1919, pp. 256-257)

After accepting the report of the president relative to the situation resulting from the events of April 16, the Council of State has resolved:

1. To condemn the brutal attack of April 16 committed by a part of the Landeswehr with the command of Count von der Goltz; to consider this act as an attempt to assure, against the will of the majority of the Latvian people, to the ruling circles of the Balt nobility, a preponderant rôle by the usurpation of

the rights of the Council of State and the overthrow of the Provisional Constitution created by the Council of State.

2. Not to recognize the Needra-Barkowski and Needra-Brümmer ministries born of the attack of April 16 under the protection of the German army to hide the real conspirators and their reactionary intentions.. The Council of State is convinced that the maintenance of a cabinet constituted by force and which finds itself dependent upon the Balt nobility is a menace to the independence of Latvia.

3. To point out that the Needra-Brümmer cabinet is supported solely by the Balt nobility, the feeble Pan-German party and some Latvian persons. It is unable, therefore, to speak in the name of the nationalities constituting the population of Latvia, any more than in the name of the landowners of Latvia, who have adopted a democratic program of union of the peoples of Latvia. This ministry, which does not possess the confidence of the nation, is not in the state of being able to procure for the country internal peace, nor to look out for the organization of the national forces with a view to the liberation of Latvia and its defence against the Bolshevik invasion, to protect the country against organized attacks by the enemies of the Latvian State and seconded by the military forces, to procure for the people bread and work, and to govern the country until the meeting of the Constituent Assembly.

In the name of the Latvian people the Council of State does not recognize as legitimate any government except one named by the Council of State and possessing its confidence.

Conformably to its rights, the Council of State demands the reestablishment of the Ulmanis cabinet, which it alone has the right to change. Only this restoration of the legitimate authorities will permit the prosecution, under a united command, of the interrupted recruiting of the armed forces of Latvia on the basis of a general mobilization applying to all the groups and all the nationalities of the country, and the reconstituting of Latvia on democratic bases.

7. A. DECLARATION OF THE INDEPENDENCE OF LATVIA, ADOPTED
UNANIMOUSLY BY THE CONSTITUENT ASSEMBLY IN ITS
PLENARY SESSION OF MAY 27, 1920

(*Mémoire . . . à l'Assemblée de la Société des Nations*, p. 12)

1. Latvia is an independent Republic based on the principles of a democratic country.

2. The sovereign power of the Latvian State belongs to the Latvian people.

B. PROVISIONAL CONSTITUTION OF THE LATVIAN STATE,
ADOPTED BY THE CONSTITUENT ASSEMBLY, JUNE 1, 1920.

1. In the name of the Latvian nation, the Constituent Assembly was elected in 1920 and invested with the sovereign power of the Latvian State.

2. The Constituent Assembly is to elaborate and establish the fundamental laws and the laws on agrarian reform for the State.

3. The Constituent Assembly also establishes laws thought to be necessary during its existence and votes the budget and credits of the State.

4. The Constituent Assembly decides concerning war and peace and ratifies international treaties concluded with other States.

5. The President of the Constituent Assembly represents the State from an international point of view, accredits the ambassadors of Latvia and receives the ambassadors of other States. In pursuance of the resolutions of the Constituent Assembly he declares war and signs international treaties.

6. In the name of the State the executive power belongs to the Council of Ministers to which all civil and military institutions are subject.

7. The Council of Ministers is formed by a person charged therewith by the President of the Constituent Assembly.

8. The Council of Ministers is responsible for its activity to the Constituent Assembly and it resigns in case it has lost the confidence of the Constituent Assembly.

9. Inviolability of persons, of dwellings, freedom of the press, of speech, of conscience, of assembly, of public meeting, exist in Latvia and will be regulated and assured by corresponding laws.

10. The members of the Constituent Assembly may be brought before the Court of Justice if the resolution has been passed by a two-thirds majority of the members of the Constituent Assembly.

11. The members of the Council of Ministers may be held to account for their official actions before the Court of Justice in order to give their explanations if the resolution has been passed by a majority of the members of the Constituent Assembly.

12. The Constituent Assembly, after having carried out its mandate, lays down its powers.

8. THE LATVIAN CONSTITUTION OF FEBRUARY 15, 1922

(Text given in *Current History*, Vol. XVII, pp. 486-489)

The people of Latvia, through their freely-elected Constituent Assembly have adopted the following Constitution:

SECTION I. GENERAL REGULATIONS

Article 1. Latvia shall be an independent democratic republic.

Article 2. The sovereign power of the Latvian State shall be vested in the people.

Article 3. The territory of the Latvian State, in accordance with the boundaries stipulated in international treaties, shall consist of Livonia, Latgale, Courland and Zemgale.

Article 4. The national flag of the Latvian State shall be red with a white stripe.

SECTION II. PARLIAMENT (SAEIMA)

Article 5. The Saeima shall consist of 100 representatives of the people.

Article 6. The Saeima shall be elected by universal, equal,

direct and secret vote, on the basis of proportional representation.

Article 7. Latvia shall be divided into separate electoral districts and the number of parliamentary representatives from each district shall be in proportion with the number of electors in that district.

Article 8. Latvian citizens of both sexes, possessing full rights, who shall have attained the age of twenty-one years by the first day of voting, shall have the right to vote.

Article 9. Any Latvian citizen who shall have attained the age of twenty-one years by the first day of voting may be elected to the Saeima.

Article 10. The Saeima shall be elected for a period of three years.

Article 11. The parliamentary elections shall take place on the first Sunday in October and on the previous Saturday.

Article 12. The newly-elected Saeima shall hold its first meeting on the first Tuesday in November, on which day the powers of the previous Saeima shall have expired.

Article 13. Should the parliamentary elections, by reason of the dissolution of the previous Saeima, take place at another season of the year, the Saeima thus elected shall assemble not later than one month after its election, and its powers shall expire after two years, on the first Tuesday in November, on which day a new Saeima shall assemble.

Article 14. The electors may not recall separate representatives.

Article 15. The Saeima shall assemble in Riga. It may assemble elsewhere only in extraordinary circumstances.

Article 16. The Saeima shall elect its Executive Council (Presidium), which shall consist of the Speaker, his two Deputies, and Secretaries. The Executive Council shall carry on its work uninterruptedly throughout the duration of the Saeima.

Article 17. The first meeting of a newly-elected Saeima shall be opened by the Speaker of the preceding Saeima or by any other member of the Executive Council charged by this body.

Article 18. The Saeima shall scrutinize the mandates of its members.

Article 19. The Executive Council shall convene sessions and decree ordinary and extraordinary meetings.

Article 20. The Executive Council shall convoke a meeting of the Saeima at the request of either the President of the State, the Prime Minister, or not less than one-third of the members of the Saeima.

Article 21. The Saeima shall draw up the Standing Order for the conduct of its internal business.

Article 22. The meetings of the Saeima shall be public. At the desire of ten members of the Saeima, the President of the State, the Prime Minister, or any one Minister, the Saeima may decide by a majority of not less than two-thirds of the members present to sit in camera.

Article 23. The meetings of the Saeima may take place if at least one-half of the members are present.

Article 24. Except in cases where otherwise prescribed by the Constitution, the Saeima shall pass its resolutions by the absolute majority vote of the members present.

Article 25. The Saeima shall elect committees, determine the number of their members and their terms of reference. The committees shall have the right to request separate Ministers and communal institutions to supply them with the information necessary for their work, and also to invite responsible representatives of these Ministries and communal institutions to their meetings for the purpose of obtaining explanations. The committees may carry on their work during the recesses.

Article 26. At the request of not less than one-third of its members, the Saeima shall appoint parliamentary inquiry committees to deal with definite cases.

Article 27. The Saeima shall have the right to address to the Prime Minister, or to any other Minister, interpellations or questions to which they, or responsible officials empowered by them, shall reply. At the request of either the Saeima or its committees, the Prime Minister, or any one Minister, shall place at their disposal relevant papers and documents.

Article 28. Members of the Saeima shall not be liable to prosecution by courts of law, or by administrative or disciplinary measures, for their voting, or for ideas expressed while

carrying out the duties of their calling. Members of the Saeima are liable to prosecution, even in their public capacity, if they disseminate (1) defamatory news, knowing it to be baseless, or (2) defamatory news about private or family life.

Article 29. Members of the Saeima may not be arrested or searched, nor may their personal liberty be restricted in any other way, without the sanction of the Saeima. Members of the Saeima shall be liable to arrest if caught in the act of committing a crime. The arrest of a member of the Saeima shall be brought, within twenty-four hours, to the knowledge of the Executive Council, who shall then report it to the next meeting of the Saeima; the Saeima shall then decide as to whether the member shall be retained under arrest or liberated. During the recess the Executive Council shall decide the question of the retention under arrest of a member of the Saeima.

Article 30. A member of the Saeima shall not be liable to judicial or administrative prosecution for criminal action without the consent of the Saeima.

Article 31. A member of the Saeima shall have the right to withhold evidence (1) concerning persons who have entrusted him, as member of the Saeima, with certain facts or data; (2) concerning persons to whom he, as member of the Saeima, has entrusted certain facts or data; (3) concerning such facts or data.

Article 32. Members of the Saeima may not undertake government contracts or receive government concessions in their name or in that of any other person. The stipulations of this article shall refer to Ministers, even if they are non-members of the Saeima.

Article 33. Members of the Saeima shall receive remuneration from State funds.

Article 34. No person shall be prosecuted for circulating reports about meetings of the Saeima or its committees, if such reports correspond with the facts. Accounts of the sittings in camera of either the Saeima or its committees may only be published with the sanction of the Executive Council of either the Saeima or the respective committees.

SECTION III. PRESIDENT OF THE STATE

Article 35. The President of the State shall be elected by the Saeima for a period of three years.

Article 36. The President shall be elected by secret ballot with a majority of not less than fifty-one votes.

Article 37. No person who is under forty years of age may be elected President of the State.

Article 38. The office of President of the State shall not be compatible with any other office. Should the President-elect be a member of the Saeima, he shall resign his membership.

Article 39. The same person cannot hold the office of President of the State for more than six consecutive years.

Article 40. On assuming office at the first meeting of the Saeima after his election, the President of the State shall make the following solemn affirmation:

I do affirm that all my work shall be devoted to the good of the Latvian people. I will do everything in my power to promote the welfare of the State of Latvia and its inhabitants. I will heed and keep sacred the Constitution of Latvia and its laws. I will be just to every one and will carry out my duties to the best of my abilities.

Article 41. The President of the State shall represent the State internationally; he shall accredit Latvian representatives abroad, and receive accredited representatives of foreign States. He shall carry out the decisions of the Saeima concerning the ratification of international treaties.

Article 42. The President of the State shall be the chief of the armed forces of the State. For the period of war he shall appoint a Commander-in-Chief.

Article 43. The President of the State shall declare war on the strength of the decision of the Saeima.

Article 44. The President of the State shall have the right to take steps indispensable to the military defence of the country if another State shall have declared war on Latvia, or if the enemy shall be attacking Latvian frontiers. At the same

time, the President of the State shall immediately summon the Saeima, which shall decide upon the declaration of war and opening of hostilities.

Article 45. The President of the State shall have the right to reprieve criminals whose sentence is being carried out. This right of reprieve does not refer to cases for which the law provides different means of reprieve. Amnesty shall be granted by the Saeima.

Article 46. The President of the State shall have the right to convoke extraordinary meetings of the Cabinet for the discussion of an agenda prepared by him and to preside over such meeting.

Article 47. The President of the State shall have the right to recommend laws.

Article 48. The President of the State shall have the right to propose the dissolution of the Saeima. This shall be followed by a vote of the people. If in such voting more than one-half the votes are cast in favor of dissolution, the Saeima shall be considered as dissolved and new elections shall be proclaimed. These elections shall take place within two months after the dissolution of the Saeima.

Article 49. On the dissolution of the Saeima, its members shall retain their powers until the newly elected Saeima shall have assembled. The former Saeima may only assemble on being convoked by the President of the State, who shall draw up the agenda for such meetings.

Article 50. If the dissolution of the Saeima be opposed by more than one-half of the votes cast when the people's vote is taken, the President of the State shall be considered as having resigned and the Saeima shall elect a new President of the State for the duration of the unexpired period of office of the resigned President.

Article 51. On the motion of not less than one-half of its members, the Saeima, sitting in camera, may decide by a majority of not less than two-thirds of their number to recall the President of the State. On such decision, the Saeima shall immediately elect a new President of the State.

Article 52. Should the President of the State resign his of-

vice, die, or be recalled before the expiration of his term of office, his duties shall be carried out by the Speaker of the Saeima until the election of the new President of the State. Likewise the Speaker of the Saeima shall take the place of the President of the State should the latter be outside Latvian territory or in any other way prevented from carrying out the duties of his office.

Article 53. The President of the State shall have no political responsibility for his actions. All decrees of the President of the State shall be countersigned by the Prime Minister, or any one Minister, who shall thereby assume the full responsibility for such decrees, except in cases foreseen by Articles 48 and 56.

Article 54. The President of the State may be prosecuted for criminal offences with the sanction of the Saeima, by a majority of not less than two-thirds of its members.

SECTION IV. THE CABINET OF MINISTERS

Article 55. The Cabinet of Ministers shall consist of the Prime Minister and Ministers invited by him.

Article 56. The Cabinet shall be formed by a person entrusted with that task by the President of the State.

Article 57. The number of Ministers and scope of their duties, as well as the mutual relations of Government departments, shall be fixed by law.

Article 58. State Executive Institutions shall be subordinate to the Cabinet.

Article 59. In carrying out their duties, the Prime Minister and Ministers shall of necessity enjoy the confidence of the Saeima and shall be responsible to the Saeima for their actions. Should the Saeima defeat the vote of confidence in the Prime Minister, the whole Cabinet shall resign. Should the Saeima defeat the vote of confidence in any particular Minister, such Minister shall resign and the Prime Minister shall invite another person to take his place.

Article 60. The meetings of the Cabinet shall be presided over by the Prime Minister or, in his absence, by another Minister so empowered by the Prime Minister.

Article 61. The Cabinet shall discuss all bills drawn up by separate Ministries and all questions concerning the activities of the various Ministries; likewise all questions of State policy put forward by individual members of the Cabinet.

Article 62. If the State be threatened by foreign invasion or if in the State, or part thereof, disorders endangering the existing order of the State arise, or threaten to arise, the Cabinet shall have the right to proclaim extraordinary measures. The Cabinet shall notify such proclamation to the Executive Council of the Saeima within twenty-four hours and the Executive Council shall put it before the Saeima without delay.

Article 63. Ministers, even if they are not members of the Saeima, and responsible State officials empowered by Ministers shall have the right to be present at the meetings of the Saeima or its committees and introduce amendments to bills.

SECTION V. LEGISLATION

Article 64. The Legislative power shall be vested both in the Saeima and in the people in the order and within the limits laid down by this Constitution.

Article 65. Bills may be presented to the Saeima by the President of the State, the Cabinet, the committees of the Saeima, not less than five members of the Saeima, or one-tenth of the voters, on occasions and in the manner foreseen by this Constitution.

Article 66. Before the commencement of each financial year, the Saeima shall pronounce on the State revenue and expenditure budget, the draft of which shall be submitted by the Cabinet.

If the Saeima pass a resolution with regard to expenditure not foreseen by the budget, it shall likewise specify in this resolution the sources of revenue with which to meet such expenditure. After the expiry of the financial year, the Cabinet shall submit accounts showing the actual realization of the budget for the confirmation of the Saeima.

Article 67. The Saeima shall decide on the strength of the armed forces of the State in time of peace.

Article 68. The ratification of the Saeima shall be indispen-

sable to all international agreements dealing with questions to be settled by legislative measures.

Article 69. In the ordinary course, the President of the State shall promulgate laws passed by the Saeima not before the seventh and not later than the twenty-first day after their adoption. If no other term be fixed, the laws shall come into force fourteen days after their promulgation.

Article 70. The President of the State shall publish laws by means of the following formula: "The Saeima (or the people) have adopted and the President of the State promulgates the following law": (Text of the law)

Article 71. The President of the State shall have the right to request, by means of a letter addressed to the Speaker of the Saeima within seven days after the adoption of a law by the Saeima, the revision of that law. Should the Saeima leave the law unaltered, the President of the State shall not have the right to protest a second time.

Article 72. The President of the State shall have the right to withhold the promulgation of a law for a period of two months. He shall postpone such promulgation at the desire of not less than one-third of the members of the Saeima. This right shall be exercised by the President of the State or by one-third of the members of the Saeima within seven days after the law shall have been adopted by the Saeima. The law, the promulgation of which has been thus postponed, shall be submitted to the vote of the people should not less than one-tenth of the electors so desire. Should such a request not be formulated within the period of two months mentioned above, the law shall be promulgated at the expiry of this period. The people's vote, however, shall not be taken should the Saeima put this law to the vote once more and should not less than three-fourths of all the members then be in favor of its adoption.

Article 73. The following matters shall not be put to the vote of the people: the budget, laws concerning loans, taxes, customs dues, railway tariffs, military service, the declaration of war and commencement of hostilities, the conclusion of peace, the declaration of the state of exceptional law and the end thereof, mobilization, demobilization, foreign treaties.

Article 74. A law adopted by the Saeima and postponed in the manner set forth in Article 72, may be annulled by the vote of the people, if at least half the number of those who have the right to vote shall have taken part in the suffrage.

Article 75. Should the Saeima adopt the urgency of a law with a majority of not less than two-thirds, the President of the State may not demand a second examination of such law; it may not be submitted to the vote of the people and shall be promulgated within three days after its transmission to the President.

Article 76. The Saeima may revise the Constitution at sittings at which at least two-thirds of its members shall be present. The amendment shall be passed in the course of three readings, by a majority of not less than two-thirds of the members present.

Article 77. If the Saeima shall have amended the first, second, third or sixth article of the Constitution, such amendments, in order to acquire the force of law, shall be put to the vote of the people.

Article 78. At least one-tenth of the electors shall have the right to submit to the President of the State a fully elaborated plan for the revision of the Constitution, or a bill, which shall be transmitted to the Saeima by the President. Should it not be accepted by the Saeima without amendments, it shall be put to the vote of the people.

Article 79. Such amendments to the Constitution as shall have been put to the vote of the people shall be adopted, provided at least half the number of those who have the right to vote shall have declared themselves in favor.

Article 80. All Latvian citizens who have the right to vote in the election of the Saeima may likewise take part in the vote of the people.

Article 81. In cases of urgent necessity between sessions, the Cabinet shall have the right to issue regulations which shall have the force of law. These regulations shall not modify the law of election to the Saeima, laws bearing on judicial procedure, the budget, and laws passed by the Saeima then in power; they shall not refer to amnesty, the issue of Treasury notes, State

taxes, customs dues, railway tariffs or loans, and they shall be annulled if they shall not have been presented to the Saeima within three days after the opening of the following session.

SECTION VI. COURTS OF JUSTICE

Article 82. All citizens shall be equal before the law and the Courts of Justice.

Article 83. The Judges shall be independent and subject only to the law.

Article 84. The appointments of Judges shall be confirmed by the Saeima, and shall not be revocable. Judges may not be revoked from their functions against their will, unless it be by the decision of the Courts of Justice. The retiring age limit for Judges may be fixed by law.

Article 85. In Latvia shall exist courts of law, with juries, on the bases of a special law.

Article 86. Justice shall be administered solely by the organs on which the right of so doing shall have been conferred by law and in the manner specified by law. The court-martial shall operate in accordance with a special law.

SECTION VII. STATE CONTROL

Article 87. The State Control shall be an independent collegial institution.

Article 88. The State Controllers shall be appointed and confirmed in the same manner as the Judges, but only for a definite period. During such period their appointment shall not be revoked, except by the decision of the Courts of Justice. The organization of the State Control and the competency thereof shall be fixed by a special law.

LITHUANIA ¹

1. EXTRACT FROM THE RESOLUTIONS OF THE COMMITTEE OF ORGANIZATION FOR THE CONVOCAION OF A LITHUANIAN CONFERENCE, VILNA, AUGUST 2, 1917

(Klimas, Petras, *Le Developpement de l'État Lituanien*, p. 82)

The Representatives of the Lithuanian people, assembled at Vilna on August 1-2, 1917, have accepted, after discussion of the present situation of Lithuania and of the problems of its future, the following resolution:

The Lithuanian people sees its future assured in an independent State, organized within its ethnographic frontiers. In view of the fact that the economic and cultural interests of Lithuania gravitate not towards the east or south but rather towards the west, and with regard, moreover, to the general development of the political situation, the members assembled consider it as necessary that the future independent Lithuanian State, without prejudice to its independent development, enter into relations, which are yet to be determined, with the German Empire, for national economic, cultural and political reasons.

(Signatures)

2. RESOLUTION OF THE LITHUANIAN CONFERENCE, VILNA, SEPTEMBER 22, 1917

(Klimas, Petras, *Le Developpement de l'État Lituanien*, pp. 86-7)

Mindful of the interests of Lithuania and guided by the common aspirations of the Lithuanians, the Lithuanian Conference has adopted the following resolution:

¹ It is interesting to note that all Lithuanian documents appearing in French speak of "Vilna," that being the conventional spelling under the Russian régime. After 1919, and particularly in documents officially furnished to the English speaking world, "Vilnius" is officially used.

I. In order that Lithuania may develop freely, it is absolutely necessary that it become an independent State, organized on democratic principles within its ethnographic boundaries, while rectifying these limiting lines according to the need for the development of economic life.

National minorities should be assured the necessary conditions for their cultural development.

As regards the definitive establishment of the bases for independent Lithuania and for its relations with neighboring States, a Lithuanian Constituent Assembly, which should be elected by all the Lithuanians according to democratic principles, should be convoked at Vilna.

II. If the German Empire consents to recognize the Lithuanian State before the Peace Conference, and to support Lithuanian interests at the Peace Conference, the Lithuanian Conference, in view of the fact that in normal times the interests of Lithuania gravitate much more to the west than towards the east or south, believes it possible that the future Lithuanian State enter into relations yet to be determined with the German Empire, without prejudice to its independent development.

3. RESOLUTION OF THE LITHUANIAN CONFERENCE CREATING THE TARYBA, SEPTEMBER 22, 1917

(Klimas, Petras, *Le Developpement de l'État Lituanien*,
pp. 87-88)

1. The number of Lithuanians in the Lithuanian Taryba is fixed at 20;

2. The Lithuanian Taryba is authorized to coopt new members;

3. The coopted members will have the full right to vote;

4. The number of coopted members should not exceed a quarter of the total elective membership;

5. The number of representatives of national minorities in the Lithuanian Taryba is fixed at 5 or 6 members;

6. The Lithuanian Taryba fixes for minorities the method of

election of their representatives. The principle is: In cooptation of the representatives of minorities, their own elections should be, in so far as possible, definitive.

7. The representatives of minorities forming part of the Lithuanian Taryba are subjected to the following conditions: the representatives must declare themselves in favor of the resolution passed on the subject of the independence of Lithuania; they must never have taken part in any anti-Lithuanian activity, and ought to be able at least to understand the Lithuanian language.

4. DECLARATION OF THE LITHUANIAN TARYBA, VILNA,
DECEMBER 11, 1917

(Klimas, Petras, *Le Développement de l'État Lituanien*, p. 142)

I

The Lithuanian Taryba, recognized by the Lithuanians within the country and abroad as the sole authorized representative of the Lithuanian people, proclaims, on the basis of the right of free determination accorded to peoples and on the resolutions of the Conference of Vilna (September 18-23, 1917), the reconstitution of an independent Lithuanian State, with Vilna as its capital, and its enfranchisement from all political ties which have hitherto bound it to other nations.

II

During the reconstruction of the said State and for the defense of its interests during the peace negotiations, the Taryba demands the aid and the protection of the German Empire. In consideration of the vital interests of Lithuania, which demand the prompt establishment of durable and strict relations with the German Empire, the Taryba pronounces itself in favor of a perpetual and solid alliance of the Lithuanian State with the German Empire, an alliance which should find its principal realization in a military and economic convention and in a customs and monetary union.

Vilna, December 11, 1917.

Acknowledged, agreed to, and signed:

DR. J. BASANAVIČIUS, M. BIRZISKA, P. KLIMAS,
S. KAIRYS, J. VILEIŠIS, D. J. ŠAULYS, J. SERNAS,
A. SMETONA, A. PETRULIS, A. STULGINSKIS, J. VAI-
LOKAITIS, KUN. S. MIRONAS, K. ŠAULYS, JONAS
SMILGEVIČIUS, PRANAS DOVYDAITIS, S. NARUTA-
VIČIUS, STAUGAITIS, S. BANAITIS, DR. MALINAUSKIS,
K. BIZAUSKAS.

5. DECISION OF THE LITHUANIAN TARYBA, VILNA, JANUARY 8,
1918

(Klimas, Petras, *Le Developpement de l'État Lituanien*, p. 144)

The Lithuanian Taryba, as the sole representative of the Lithuanian people, proclaims, in virtue of the recognized principle of the right of peoples to self-determination and of the decision of the Lithuanian Conference assembled at Vilna on September 18-23, 1917, the reestablishment of an independent Lithuanian State, founded on democratic bases, with Vilna for a capital, and the suppression for this State of all political connections having bound it to other peoples. The Lithuanian Taryba declares at the same time that, with the aim of strengthening internal order in the Lithuanian State and its relations with the neighboring States, it is necessary to convoke as soon as possible a Constituent Assembly democratically elected by all the inhabitants of Lithuania.

6. THE FORMULA OF THE DECLARATION OF INDEPENDENCE OF
FEBRUARY 16, 1918

(Klimas, Petras, *Le Developpement de l'État Lituanien*, p. 147)

The Lithuanian Taryba, in its session of February 16, 1918, has decided unanimously to address the following communication to the Governments of Russia, of Germany and of other States:

The Lithuanian Taryba, as sole representative of the Lithuanian people, proclaims on the basis of the recognized right of the free disposition of peoples and of the decision of the Lithuanian Conference held at Vilna September 18-23, 1917, the reestablishment of an independent Lithuanian State, founded on a democratic base, with Vilna as capital, and the dissolution of all political ties having existed with other peoples.

The Lithuanian Taryba declares at the same time that the basis of this State and its relations with other States will be definitively fixed by a Constituent Assembly, which will be convoked as soon as possible, and which will be elected by all the inhabitants in virtue of democratic principles.

In bringing the foregoing to the knowledge of the ——— Government, the Lithuanian Taryba requests it to be good enough to recognize the independent Lithuanian State.

(Signed by Taryba members)

Vilna, February 16, 1918.

7. DECREE RELATIVE TO THE RECOGNITION BY GERMANY OF
LITHUANIAN INDEPENDENCE, MARCH 23, 1918

(Klimas, Petras, *Le Developpement de l'État Lituanien*,
pp. 150-1)

We, William, by the Grace of God, German Emperor, King of Prussia, etc., declare as follows:

The Lithuanian Taryba, as the recognized representative of the Lithuanian people having, on December 11, 1917, proclaimed the reestablishment of Lithuania as an independent State, united to the German Empire by a solid and eternal alliance and by conventions referring primarily to military, transport, customs and monetary affairs, and having sought the support of the German Empire, and the political bonds in which Lithuania has hitherto found herself having been dissolved,

We do by these presents charge Our Chancellor of the Empire, Count von Hertling, to declare to the Lithuanian Taryba that, on the basis of the above mentioned declaration of the Lithuanian Taryba of December 11, 1917, We, on behalf of the German Empire, recognize Lithuania as a free and independ-

ent State and that We are ready to accord her the aid and support sought for her reestablishment. We set to the foregoing the condition that the conventions to be concluded shall have regard for the interests of the German Empire as well as those of Lithuania and that Lithuania shall bear her part of the German war-debt, which has also served for her liberation.

At the same time We give Our Chancellor of the Empire full powers to take, in accord with the representatives of the Lithuanian people, the necessary measures with a view to the reestablishment of the independent Lithuanian State, and to put in force the needful measures with a view to the establishment of a solid alliance with the German Empire and the conclusion of the conventions above provided for and needful to this end.

We have signed with Our own hand these presents, destined to carry out the foregoing decisions, and have added thereto Our own seal.

WILLIAM, I. R.

COUNT VON HERTLING.

Given at G. II. Q., March 23, 1918.

8. ACT OF THE LITHUANIAN TARYBA PROCLAIMING THE KINGDOM
OF LITHUANIA, JUNE 4, 1918

(Klimas, Petras, *Le Développement de l'État Lituanien*,
pp. 178-180

The Lithuanian Taryba offers to His Excellency William, Duke of Urach, Count of Würtemberg, the royal crown of Lithuania for himself and his male successors, descended from him in direct line, according to the way prescribed by the Constitution.

The King takes the name of Mindaugas II and mounts the Lithuanian throne according to the following conditions:

I. The form of the Lithuanian State is a monarchy established on a democratic basis.

II. The Constitution shall be elaborated and promulgated by the Taryba in accord with the King.

III. The bases of the Constitution are the following:

a. The legislative organ is formed by the King and the representatives of the people.

b. The executive power is exercised by the King by means of the Cabinet of Ministers designated by him and controlled by the representatives of the people.

c. The representation of the people is made up of two chambers: the Upper Chamber (Taryba) and the Lower Chamber (Seimas).

d. Every law must be accepted by the representatives of the people and confirmed by the King.

e. The initiative in the revision of the Constitution belongs to the King and an absolute majority of the Lower Chamber.

f. Legislative initiative belongs to the King, the Cabinet of Ministers and to fifteen members of the representatives of the people.

g. The Constitution will be revised in ten years, counting from the day on which the King shall assume his throne.

IV. On assuming the throne, the King takes the oath to maintain the Constitution and to defend the independence and the territorial integrity of Lithuania.

V. The King chooses the ministers and other high functionaries from among the Lithuanians who know the Lithuanian language and use it.

VI. The King engages to guarantee the free exercise of religion.

VII. The King cannot become the sovereign of another State without the consent of the representatives of the people.

VIII. The King lives with all his family in Lithuania; he may not, without the consent of the representatives of the people, live abroad for more than two months a year.

IX. The Lithuanian language is not only the language of the State, but also the language of the Court.

X. The King chooses all the functionaries of the Court from among Lithuanians who know the Lithuanian language and use it. During the first five years of his reign, the King may also summon foreigners to be functionaries of the Court, always subject to the provision that the number of foreigners shall not

exceed a third of the total number of the functionaries of the Court.

XI. The children of the King shall attend Lithuanian schools and be brought up in Lithuania. After having finished their studies in Lithuania, they may continue to study abroad.

XII. The civil list is fixed by the representatives of the people for each new King when he mounts his throne.

Vilna, June 4, 1918.

A. SMETONA, President of the Taryba.

J. STAUGAITIS, Vice-President of the Taryba.

DR. S. ŠAULYS, Vice-President of the Taryba.

J. SERNAS, Secretary-General of the Taryba.

I accept the above offer of the Lithuanian throne for myself and for my male successors and I declare that I accept the above conditions in all their parts.

Friburg-in-Br., July 1, 1918.

WILLIAM, DUKE OF URACH.
COUNT OF WÜRTEMBERG.

9. RESOLUTIONS OF THE LITHUANIAN COUNCIL OF STATE, JULY 11, 1918

(Klimas, Petras, *Le Développement de l'État Lituanien*,
pp. 178, 180)

The Lithuanian Taryba having proclaimed the independence of Lithuania, and the latter having been recognized by the German Empire, the Lithuanian Taryba takes note of the fact as a juridical fact. It therefore makes use of its rights and decides to call itself henceforth, Lithuanian Council of State.

In its session of July 11, 1918, the Lithuanian Council of State decided as follows:

I. In consideration of the present situation of Lithuania and political events, the Lithuanian Council of State holds that the most appropriate form of government for Lithuania is a constitutional hereditary monarchy with a Catholic King at its head.

II. While striving for a prompt restoration of the Lithuanian

State and for the rapid constitution of a Lithuanian Government, the Lithuanian Council of State calls Duke William of Urach, Count of Württemberg, to the throne of Lithuania, and beseeches him to be good enough to assume the throne as rapidly as possible.

A. SMETONA, President of the
Lithuanian Council of State.

J. SERNAS, Secretary-General of the
Lithuanian Council of State.

10. DECLARATION OF PRINCE MAXIMILIAN OF BADEN TO THE
LITHUANIAN TARYBA RESPECTING GERMAN POLICY
TOWARDS LITHUANIA, OCTOBER 20, 1918

(Klimas, Petras, *Le Developpement de l'État Lituanien*, p. 242,
citing the *Norddeutsche Allgemeine Zeitung*, October 21,
1918)

As has already been stated in the Reichstag, the German Empire wishes to leave to the Lithuanian people the task of settling for itself the questions of its Constitution and of its relations with neighboring nations.

From the fact that the German Government has acknowledged the right of peoples to self-determination, the will of a people ought, according to these declarations, to decide for itself its nationality and political status. It follows from this that the Government of the Empire intends in no way whatsoever to decide anything whatsoever in regard to the frontiers of Lithuania and Poland. Likewise, the German Government proposes to delegate to a Lithuanian government legislative power. It will be the task of the Taryba to establish this government with the assistance of all the classes and all the nationalities of the population.

The establishment, on an even broader basis, of the projected general representative body will also be the task of the future Lithuanian Government. The transformation of the military into a civil administration, announced by the Imperial German Government, is already under way. This German civil admin-

istration will exercise executive power only until the day when the Lithuanian Government, fully established in all its branches, will be in a position to resume power for itself.

Although the Imperial officials desire to withdraw from Lithuania as soon as possible the whole of the German troops of occupation, they are disposed, in order to satisfy the frequently expressed wishes of the population, to leave the necessary troops and means of transport in the country. It will be incumbent upon the future Lithuanian government to create a militia and police troops.

11. FUNDAMENTAL PRINCIPLES OF THE PROVISIONAL CONSTITUTION OF LITHUANIA

(Adopted on the third reading by the State Council of
Lithuania, April 4, 1919)

PRELIMINARY NOTE: The English text of the fundamental principles of the Provisional Constitution of Lithuania, as here given, was furnished by the Lithuanian Information Bureau. A French translation "in conformity with the Lithuanian original" was presented by the Lithuanian Delegation to the Peace Conference, and is found as Document 3 of Section 4 of the collection of official documents presented by the Lithuanian Government to the Hoover War Library. An earlier draft is found in Klimas, *Le Développement de l'État Lituanien*, pp. 250-253. The principal differences between the Klimas draft and the final draft are two: (1) those flowing from the creation of a presidency in lieu of the Presidium of the Council of State (practically the same differences as are to be seen between the provisional and final Austrian Constitutions in this respect) and (2) those due to the inclusion of articles dealing with the finances of the State, notably Article 4, and all of Section VIII of the final draft. Other differences are merely in drafting or the addition of certain phrases to make clear the meaning of various articles. None of these are of vital importance. The final draft contains a slight rearrangement of the order of the various parts of the Constitution.

Until such time as a Constituent Assembly shall have decided upon the form of government and the constitution of Lithuania,

the State Council of Lithuania, declaring itself the sovereign power (*suprema potestas*) of Lithuania, hereby establishes a government upon the following fundamental principles of the Provisional Constitution.

I. IN GENERAL

1. The supreme organs of the Government shall be as follows: (a) a President, (b) a State Council, and (c) a Cabinet of Ministers.

2. The seat of the Government shall be Vilnius, the capital of Lithuania.

3. The right to propose laws shall be vested in the State Council and the Cabinet of Ministers.

4. All credits and debts of the State shall be established as provided by law.

5. All the fundamental principles of the Provisional Constitution shall be adopted by a two-thirds vote; they may be supplemented or amended when demanded by a vote of one-half of the members of the State Council, but supplements or amendments shall be adopted by a two-thirds vote.

II. THE PRESIDENT AND HIS DUTIES

6. Until such time as a Constituent Assembly shall have convened and decided upon the form of government and the Constitution of the State, the President shall be electable by the State Council.

7. In case of the death of the President or his inability to perform his duties at any time, the President of the State Council shall succeed him.

8. The executive power shall be vested in the President, which he shall exercise through the Cabinet of Ministers, responsible to the State Council.

9. The President shall: (a) proclaim laws, and treaties with other States with his signature thereto; (b) designate the Prime Minister, empower him to form a Cabinet of Ministers and approve Cabinets so formed; (c) represent the State; (d) appoint envoys and receive the accredited envoys of other

countries; (e) appoint the heads of the military and civil departments of the State; (f) have authority over the army for the purpose of defending the independence of Lithuania and the inviolability of its territory and appoint the commander-in-chief of the army; (g) convene and adjourn the sessions of the State Council.

10. To the President shall belong the right of amnesty.

11. All acts proclaimed by the President must be signed by the Prime Minister or by the respective Minister.

12. The seal of Lithuania shall be under the authority of the President.

III. THE RIGHT OF THE PRESIDENT TO ISSUE LAWS

13. The President shall have the right to issue laws between sessions of the State Council or during their interruption, when such laws are approved by the Cabinet of Ministers.

14. The President may return to the Cabinet of Ministers any proposed law approved by the Cabinet of Ministers, with his remarks. Thereupon the Cabinet of Ministers shall consider it a second time. If the President does not find it possible to sign the law proposed and adopted after reconsideration and approval by the Cabinet of Ministers upon its return to him, then the proposed law shall be submitted to the State Council, which shall be immediately convened.

IV. THE STATE COUNCIL

15. The State Council shall consider and determine laws, and treaties with other States.

16. Laws approved by the Cabinet of Ministers and signed by the President shall not be submitted to the State Council.

17. The President may return to the State Council with his remarks any law approved by the State Council. Thereupon the State Council shall consider it a second time. A law approved a second time by the State Council shall be signed by the President.

18. To the State Council belongs the right of interpellation and inquiry.

V. THE CABINET OF MINISTERS

19. The Prime Minister shall form the Cabinet of Ministers.

20. The President of the State shall confirm the personnel of the Cabinet of Ministers.

21. The Cabinet of Ministers shall act as a body and shall be responsible as a body.

22. When the State Council declares a want of confidence in the Cabinet of Ministers, the latter shall be automatically dissolved.

23. The Prime Minister, or some Minister acting in his place, shall represent the Cabinet of Ministers.

24. Members of the State Council who have become members of the Cabinet of Ministers shall not cease to be members of the State Council.

25. The Cabinet of Ministers and the individual Ministers shall give information and explanations to the State Council or its committees whenever required by them.

VI. THE FUNDAMENTAL RIGHT OF CITIZENS

26. All the citizens of the State, irrespective of sex, nationality, or religion, shall be equal before the law. There shall be no privileges of class.

27. Individuals shall be guaranteed the inviolability of person, home and property, freedom of religion, press, speech, assembly and association, provided, however, that the purpose and the means of carrying out the same shall not be opposed to the laws of the State. Assemblies of armed persons are forbidden.

28. In those cases where the State has not issued new laws, those shall provisionally remain in force which existed before the war, so far as they do not contradict the fundamental principles of the Provisional Constitution of Lithuania.

29. In time of war, as well as when rebellion threatens the State or when prevented by a riot, the guarantees of freedom of citizens shall be temporarily restricted by special suitable laws.

VII. THE CONSTITUENT ASSEMBLY

30. The Government of the State shall determine and declare the law for the election of the Constituent Assembly.

31. The Constituent Assembly shall be elected on the basis of a general, equal, direct and secret vote.

32. The Constituent Assembly shall be elected at the place fixed and on the day appointed by the President.

33. The Constituent Assembly shall begin to transact business when a majority of its elected representatives shall have convened.

VIII. THE CONTROL OF THE STATE

34. The Control of the State shall see that the apportionment and administration of revenues and expenditures, of State finances, and of other property under the protection of the State shall be legally and duly performed.

35. Accountings shall be rendered to the Control of the State by all State departments and self-governing institutions, by such charitable institutions as receive aid from the State, and by such corporations as benefit by the credit and guarantees of the State.

36. The Control of the State shall always have access to all accounts, all books and all transactions of the establishments mentioned in Section 35.

37. The Control of the State, upon its own motion, shall decide upon audits and carry them out.

38. The Control of the State shall compose a separate part of the government of the State and shall be independent of the Cabinet of Ministers.

39. The President shall select and appoint the Controller of the State.

40. The Controller of the State shall give information and explanations to the State Council and its Committees when they demand the same.

41. The Controller of the State shall participate in the Cabinet of Ministers in an advisory capacity.

42. The Controller of the State shall be responsible for his acts to the State Council and shall cease to hold office whenever the State Council shall express want of confidence in him.

12. THE CONSTITUTION OF THE LITHUANIAN REPUBLIC,
AUGUST 6, 1922

(Official text reprinted in *Current History*, Vol. XVII,
pp. 480-485, December, 1922)

PREAMBLE

In the name of Almighty God, the Lithuanian Nation, gratefully mindful of the glorious deeds of her sons and their noble sacrifices made to free their fatherland, having reconstituted her independent State, and desiring to establish for her independent life a firm democratic base, to create conditions for the establishment of right and justice, and to assure to all her citizens equality, freedom and welfare, and proper State protection for the work and morals of her people, through her duly authorized representatives formally convened as the Constituent Assembly, on the first day of August, 1922, adopted this the Constitution of the State of Lithuania.

I. FUNDAMENTAL PRINCIPLES

Section 1. The State of Lithuania is an independent democratic Republic.

The sovereign Government of the State shall be vested in the people.

Section 2. The governmental functions of the State shall be performed by the Legislative, the Executive and the Judicial Departments.

Section 3. In the State of Lithuania no law which is contrary to the Constitution shall have force.

Section 4. The boundaries of the territory of Lithuania can be changed only in the manner prescribed by law.

Section 5. The law shall determine the administrative divisions of the territory of Lithuania.

For the purpose of special local needs of inhabitants, autonomous units, whose boundaries and rights shall be fixed by law, may be formed from separate districts of Lithuania.

Section 6. The Lithuanian language shall be the language of the State. The use of local languages shall be determined by law.

Section 7. The State colors shall be yellow, green and red. The State coat-of-arms shall be a white knight on a red background.

II. LITHUANIAN CITIZENS AND THEIR RIGHTS

Section 8. Citizenship may be acquired and revoked in accordance with the citizenship laws.

Citizens of foreign States may become citizens of Lithuania provided they shall have resided in Lithuania not less than ten years.

Section 9. No person can be at the same time a citizen of Lithuania and a citizen of any other State.

Section 10. All citizens of Lithuania, men and women, are equal before the law. No special privileges can be given to, nor shall the rights of citizens be restricted because of, race, creed, or nationality.

Section 11. The person of a citizen shall be inviolable. A citizen may be brought before justice only in such cases and in the manner prescribed by law. A citizen may be arrested or his liberty restricted only in case he shall be found committing an offense, or by the decision of a judicial organ of the Government. The cause of arrest must be made known to such citizen and a copy of the indictment given him within forty-eight hours. No such indictment having been given, the person so placed under arrest shall be given his freedom.

Section 12. The home of a citizen shall be inviolable. Entry into a home and the making of a search therein shall be permitted only in such cases and in the manner prescribed by law.

Section 13. Citizens shall have the right of freedom of religious belief and conscience.

The belonging to any religion or the profession of one's con-

victions shall not form the basis for justification of an offense or for refusing to perform public duties.

Section 14. Secrecy of correspondence and communication by post, telephone and telegraph shall be guaranteed to citizens. Exception can be made only in cases provided by law.

Section 15. Freedom of speech and of the press shall be guaranteed to the citizens. This freedom can be restricted only in such cases as is provided by law whenever it shall be necessary to protect the morals and the order of the State.

Section 16. The right of citizens to freedom of assembly without arms and without disturbance of the public peace, in the manner prescribed by law, shall be recognized.

Section 17. Freedom to form societies and associations shall be guaranteed to the citizens provided the purpose thereof and the methods of putting them into effect shall not be contrary to the penal laws.

Section 18. Any citizen who shall have been aggrieved by an official in the performance of his duties shall have the right, in the manner prescribed by law, to have such official brought before a court of justice without first obtaining the permission or consent of his superiors, and to seek damage.

Section 19. Each citizen shall have the right of petition to the Seimas.

Section 20. Citizens shall have the right of initiative in the making of laws. Twenty-five thousand citizens, possessing the right to elect representatives to the Seimas, may submit their proposals to the Seimas in the manner prescribed by law, and the Seimas shall be obliged to consider these proposals.

Section 21. The right of property shall be protected. The property of citizens may be condemned, in the manner prescribed by law, only in the event of the public need.

III. THE SEIMAS

Section 22. The Seimas shall be composed of the representatives of the people.

Section 23. Representatives shall be elected by a general, equal, direct and secret ballot based upon a proportional elec-

tion system. The laws shall determine the number of representatives and the manner of conducting elections.

Section 24. All qualified Lithuanian citizens, men and women, not less than 21 years of age, shall have the right to elect representatives to the Seimas, and those not less than 24 years of age to be elected.

Section 25. The Seimas shall be elected for three years.

Should the State be at war, or should there be martial law in more than half of its territory, the President of the Republic may, by a special act, extend the term of the Seimas beyond the term for which it shall have been elected. Such act of the President of the Republic must be confirmed by the Seimas.

Section 26. The election of a new Seimas must take place before the expiration of the term of the old Seimas. The President of the Republic shall fix the date for the election of the new Seimas.

The term of the new Seimas shall commence upon the expiration of the term of the old Seimas.

The Seimas shall convene not later than thirty days after its election. The President of the Republic shall designate the day for the convening of the Seimas.

Section 27. The Seimas shall make the laws. The manner of publication of the laws, and the time when they shall become effective, shall be determined by a separate law.

Section 28. The Seimas shall supervise the work of the Executive Government, propounding questions and interpellations, and conducting investigations.

Section 29. The State budget and its administration shall be confirmed by the Seimas.

Section 30. The following State agreements and treaties entered into by the Government shall be confirmed by the Seimas: Peace treaties, agreements for the acquisition, abandonment or conveyance of territory by the State, commercial treaties with other States, foreign loans, agreements which wholly or partially abolish or amend existing laws, agreements which impose duties on Lithuanian citizens, agreements which fix direct or indirect monopoly or condemnation rights.

Section 31. The Seimas shall have the power to declare and end war.

Acts of war may be commenced without the Seimas in case an enemy country shall have declared war against Lithuania, or in case the enemy, without declaration of war, shall have invaded the borders of Lithuania.

Section 32. In case of war, armed uprising and other disturbances dangerous to the peace of the State, the President of the Republic, having first made a proposal to the Cabinet of Ministers, may declare the existence of a state of war or other unusual state of affairs in the entire State or in certain parts thereof, temporarily place in abeyance the constitutional rights of citizens (Sections 11, 12, 14, 15, 16, 17), and use means to prevent or remove such danger, even using armed force, and at the same time he shall bring all of these matters to the attention of the Seimas, which shall either confirm or reject such act of the Executive.

Section 33. The Seimas shall elect its President and other members of the presidium.

The Seimas shall adopt its own rules which shall have the force of law.

Section 34. The sessions of the Seimas shall be called in the manner determined by the Seimas. If the President of the Republic or one-fourth of the number of its representatives shall so request, the President of the Seimas shall call the Seimas into session.

Section 35. Each representative, upon assuming office, shall make oath or solemnly affirm that he will be loyal to the Republic of Lithuania, protect its laws and conscientiously carry out his powers and fulfill his duties as representative of the people.

Any representative who shall decline to make oath or make affirmation, or who shall make oath or affirm conditionally, shall lose his powers as a representative.

Section 36. Representatives shall be guided only by their own conscience, and they shall not be restricted by any mandates whatsoever.

Section 37. Representatives shall not be punished by courts

of justice for speeches made in the course of their duties, nevertheless they may be made to answer in the ordinary manner for injury to the reputation of another.

Section 38. The person of a representative shall be inviolable. A representative can be arrested only with the consent of the Seimas, except in cases where the representative is found in the place where the offense is being committed.

Notice of the arrest of a representative and the cause for such arrest in such case shall be given not later than forty-eight hours to the President of the Seimas, who shall announce the same to the Seimas at its next session. The liberty of such representative may be restored by the Seimas.

Section 39. Representatives shall have the right of free transportation on all the railroads of Lithuania.

The compensation which representatives shall receive for the performance of their duties shall be determined by law.

IV. EXECUTIVE AUTHORITY

Section 40. The executive authority shall be vested in the President of the Republic and the Cabinet of Ministers.

Section 41. The President of the Republic shall be elected by the Seimas.

The President of the Republic shall be elected by secret ballot of the absolute majority of the representatives. If, after taking two ballots, none of the candidates shall have received the absolute majority of the votes of the representatives, the President of the Republic shall then be elected from the two candidates who shall have received the most votes, and he shall be deemed elected President who shall have obtained the more votes. In case both candidates shall have obtained an equal number of votes, the senior in years shall be deemed elected.

Section 42. The President of the Republic, upon assuming office, shall make oath or solemnly affirm, with all his power, to look after the welfare of the Republic and the people, protect the Constitution and laws, and conscientiously fulfill his duty and be just equally to all.

Section 43. Any Lithuanian citizen who shall be eligible for

election as a representative to the Seimas, and who shall not be under 35 years of age, may be elected as President of the Republic.

Section 44. The President of the Republic shall be elected for three years.

The President of the Republic shall remain in office until the election of his successor.

The President of the Republic may be dismissed from office by a two-thirds vote of all the representatives of the Seimas.

The same person shall not be elected President of the Republic for more than two three-year terms in succession.

Section 45. In case the President of the Republic shall leave the country, or in case of sickness or temporary disability, his duties shall devolve upon the President of the Seimas. In case the President of the Republic shall resign from office, die or become too ill to perform the duties of his office, another President shall be elected to complete the unexpired term.

Section 46. The President of the Republic shall represent the Republic, accredit emissaries and accept the envoys of foreign countries.

Section 47. The President of the Republic shall appoint the Prime Minister, authorize him to form the Cabinet of Ministers, confirm the same, and accept the resignation of the Cabinet of Ministers.

Section 48. The President of the Republic shall appoint and dismiss the State Controller.

The State Controller shall be responsible to the Seimas, and shall resign upon the vote of want of confidence by the Seimas.

Section 49. The President of the Republic shall appoint and dismiss officials of the republic whose appointment and dismissal shall be vested in him by law.

Section 50. The President of the Republic shall publish the laws.

The laws adopted by the Seimas shall be published by the President of the Republic within thirty-one days, to be calculated from the day on which the law was submitted to him.

The President of the Republic shall have the right, within twenty-one days to be calculated from the day on which the laws

shall have been submitted, to return to the Seimas, with his remarks, the law adopted by the Seimas, for second consideration. If the Seimas shall then pass the same law by an absolute majority of the votes of all of the representatives, the President of the Republic must publish it.

If the Seimas by a two-thirds vote of all of the representatives shall recognize the publication of a law as urgent, the President of the Republic shall not have the right to return it to the Seimas for second consideration.

Section 51. The President of the Republic shall have the right of pardon.

The President of the Republic may pardon only with the consent of the Seimas the offenses of Ministers who shall have been sentenced for abuse of office.

Section 52. The President of the Republic shall have the right to dissolve the Seimas.

Upon the meeting of a new Seimas, the President of the Republic shall be re-elected.

The election of a new Seimas must take place not later than sixty days after the dissolution of the Seimas. The term of the new Seimas shall commence from the day of election.

Section 53. The President of the Republic is the Commander-in-Chief of all armed forces of the Republic.

The Cabinet of Ministers and the proper Ministers shall be responsible to the Seimas for the control and administration of the armed forces of the Republic.

In time of war, upon the proposal of the Cabinet of Ministers, the President of the Republic shall appoint the chief military commander.

Section 54. The President of the Republic shall have the right to participate in the sessions of the Cabinet of Ministers, and preside over them, and to require from the Cabinet of Ministers or individual Ministers information in writing relating to their office.

Section 55. All the acts of the President of the Republic, in order to have force, must have the signature of the Prime Minister or the proper Minister. Responsibility for the act shall rest upon the Minister who shall have signed it.

Section 56. The Cabinet of Ministers shall consist of the Prime Minister and other Ministers. The number of Ministers and their duties shall be determined by law.

Section 57. The Prime Minister shall submit the names of the Ministers selected by him to the President of the Republic for approval. The President of the Republic shall have the power to dismiss the Ministers.

Section 58. Upon assuming office, the Ministers shall make oath or solemnly affirm that they will impartially and conscientiously perform the duties of their office and uphold the Constitution and laws.

Section 59. The Cabinet of Ministers shall be responsible as a whole to the Seimas for the common policies of the Government, and each individual Minister shall be separately responsible for the work assigned to him in the administration of his special department.

The Ministers must have the confidence of the Seimas. If the Seimas shall directly declare want of confidence in them, the Cabinet of Ministers and each Minister must resign.

Section 60. The Cabinet of Ministers shall formulate and submit to the Seimas proposed laws.

Ministers who shall remain in the minority in passing upon a proposed law by the Cabinet of Ministers shall have the right to present, in writing, to the Seimas their minority view in respect thereto, together with the proposal submitted by the Cabinet of Ministers.

Section 61. The Cabinet of Ministers shall uphold the Constitution and administer the laws, conduct the internal and foreign policies and protect the inviolability of the territory and the internal order of the Republic.

Section 62. The State Controller shall have the right to participate in an advisory capacity in the sessions of the Cabinet of Ministers.

Section 63. The Seimas alone, by the absolute majority of votes of all the representatives, shall have the right to commence criminal action against the President of the Republic, the Prime Minister or any Minister for abuse of office or treason.

Such instituted action shall be passed upon by the Supreme Court of Lithuania.

V. THE JUDICIARY

Section 64. The Judicial Department shall render decisions in the name of the Republic in accordance with the laws.

Section 65. No decision of a court shall be modified or reversed, except by judicial authority in the manner prescribed by law.

Amnesty may be granted in the manner provided by law.

Section 66. The organization, competence and jurisdiction of the court shall be fixed by law.

Section 67. There shall be one Supreme Court for the entire territory of the Republic.

Section 68. The courts shall pass upon the legality of acts proceeding from the administration.

Section 69. All citizens are equal before the courts.

Special courts shall pass judgement upon soldiers for offenses committed while in the service.

Special courts may be established only in time of war or while a state of war shall exist.

VI. LOCAL SELF-GOVERNMENT

Section 70. The right of self-government shall be guaranteed to communities and cities within the limits of law.

General, equal, direct and secret ballot shall be made the basis for the election of local self-government bodies.

Section 71. The organs of self-government shall look after the needs of the local government of the State in the manner prescribed by law.

They shall have the right to impose taxes for the needs of local self-government, in accordance with special tax laws provided for that purpose.

Section 72. The administration shall be charged with seeing that the organs of self-government shall execute their duties, and that their work shall not be contrary to the laws of the State.

The courts shall finally pass upon any disputes arising between local self-governments and the administration.

VII. RIGHTS OF NATIONAL MINORITIES

Section 73. National minorities of citizens, which shall form an appreciable part of the citizenry, shall have the right, within the limits of the law, to administer autonomously the affairs of their national culture—public education, charity, mutual aid—and to elect necessary bodies to conduct these affairs in the manner prescribed by law.

Section 74. The national minorities set forth in Section 73 shall have the right, in accordance with special laws for that purpose, to impose upon their members dues for needs of national culture, and they shall have the benefit of the proper portion of the sums set aside by the State and the local self-government for matters of education and charity, provided the sums allowed by the common State and self-government institutions shall not suffice for these needs.

VIII. DEFENSE OF THE REPUBLIC

Section 75. All the citizens of the Republic shall participate in the defense of the territory in the manner prescribed by law.

Section 76. For the defense of the Republic, armed forces shall be organized. The organization of armed forces, the means of mobilization, the nature and term of service, shall be fixed by law.

Section 77. The care and protection of the State shall be guaranteed to the families of soldiers and to the soldiers themselves who shall lose their health or life in line of duty.

IX. EDUCATION

Section 78. The education of their children shall constitute the supreme right and natural duty of the parents.

Section 79. Schools may be established by the State, local self-governments, public organizations and individuals. All schools shall be under State supervision in the manner prescribed by law.

Section 80. Religious education in schools shall be compulsory, with the exception of schools established for children whose parents do not belong to any religious organization. Religion shall be taught in accordance with the requirements of those religious organizations to which the students belong.

Section 81. Primary education shall be compulsory.

The manner and time of establishment of compulsory primary education shall be fixed by law.

Primary education in schools maintained by the State and local self-governments shall be free.

Section 82. Private religious schools, provided they comply with the minimum of the program fixed by law, shall receive from the State Treasury for the purposes of education that part of the budget appropriation which shall correspond to the number of Lithuanian citizens and students belonging to such religion which shall conduct such schools and education.

X. MATTERS OF RELIGION AND CULT

Section 83. The State recognizes the equal right of all religious organizations existing in Lithuania to administer their affairs in accordance with the requirements of their canons or statutes, to freely publish their religious doctrines and to practice their cult ceremonies, to establish and manage their cult buildings, schools, educational and charitable institutions, to establish convents, religious congregations and fraternities, to impose upon their members dues for the needs of the religious organizations, and to acquire and manage personal and real property.

Religious organizations shall possess the rights of legal entities in the State.

Spiritual advisers are relieved from military obligations.

Section 84. The State shall recognize newly formed religious organizations, provided their beliefs and moral teachings and statutes shall not be contrary to the public good and morals.

The formation of such organizations and their existence shall be determined by law.

Section 85. Birth, marriage or death certificates, made by

the faithful before their spiritual advisers, if they comply with the form determined by law, shall have legal force in Lithuania, and citizens shall not be compelled to repeat such acts in another institution.

Section 86. The laws shall protect Sundays and other holidays recognized by the State as days of rest and spiritual need.

Section 87. Soldiers shall be granted leave to attend to their religious duties.

Persons in hospitals, jails and other public institutions shall be given the opportunity to attend to their religious duties.

XI. THE BASIS OF THE ECONOMIC POLICY OF THE STATE

Section 88. The freedom of husbandry and initiative in all the departments of economy shall be guaranteed to each citizen. This freedom can be restricted only by law in cases of public necessity.

The economic life shall be so regulated that each citizen shall have work.

Section 89. The laws shall guarantee special self-government to the separate departments of economy. There shall be established by law bureaus of agriculture, commerce and industry, labor and other bureaus, whose cooperation with the State Government for the standardization of the economic life shall be prescribed by law.

Section 90. The principle of private ownership shall be made the basis for the management of land.

To the State shall be reserved the right to regulate the management of land in such a manner that there shall be established suitable conditions for the proper cultivation of agricultural lands, and especially for the development of the smaller and average farms.

Estates shall be parceled in the manner prescribed by law.

XII. STATE FINANCES

Section 91. The imposition of taxes on the inhabitants, appropriation of money from the State Treasury, the making of

internal loans or the issuance of paper money, can be done only in the manner provided by law.

Section 92. The State Controller shall supervise the accountability and responsibility of revenues, expenditures and debts of the Government.

Section 93. The State Controller shall prepare each year a report on the functioning of the State budget for the past year and submit the same to the Seimas not later than the fifteenth day of October.

Section 94. The Cabinet of Ministers shall prepare an estimate of all the receipts and expenditures of the State for the ensuing year and submit the same to the Seimas for confirmation not later than the fifteenth day of October.

Section 95. The estimate of State revenues and expenditures shall be fixed by law for each year separately before the beginning of the budget year.

Section 96. The budget year shall commence on the first day of January and shall end on the last day of December.

XIII. SOCIAL PROTECTION

Section 97. The working power of the people shall be guarded and protected by special laws.

The State shall protect by separate laws a workman while ill, during old age, in cases of misfortune and when unemployed.

Section 98. The basis of the family life shall be motherhood. Equality of right for both sexes shall be a fundamental principle of the home.

The social welfare and family health shall be protected and maintained by special laws.

Maternity shall be under the special protection of the State.

Section 99. Public morals and health shall be protected by special laws.

Section 100. All classes of schools shall be equally accessible to all.

Section 101. For the purpose of maintaining temperance, all the citizens of the community shall have the right to decide whether establishments for the sale of intoxicating liquors shall be maintained within their residential district.

XIV. AMENDMENT OR SUPPLEMENT TO THE CONSTITUTION

Section 102. The Seimas, the Executive Department, or 50,000 citizens having the right to elect to the Seimas, shall have the right to propose an amendment or supplement to the Constitution.

Section 103. A proposed amendment or supplement to the Constitution shall be adopted by a vote of three-fifths of all the representatives of the Seimas.

An amendment or supplement to the Constitution, adopted by the Seimas, shall be submitted for decision to the people by a general vote, provided that within three months from the date of its publication the President of the Republic, or one-fourth of the number of representatives, or 50,000 citizens having the right to elect to the Seimas, shall require the same. A constitutional amendment or supplement adopted by the Seimas, if it shall not be submitted in accordance with such requirements, shall become effective after three months from the date of publication.

A constitutional amendment or supplement, adopted by the Seimas, shall be regarded as rejected by the people if not less than half of all the citizens having the right to vote shall have participated in the voting, and not less than half of the citizens having participated in the voting shall have voted against such amendment or supplement.

A constitutional amendment or supplement which shall be adopted by the Seimas by a vote of four-fifths of all the representatives shall acquire force from the date of publication.

XV. INTRODUCTORY REGULATIONS

Section 104. Upon the publication of this Constitution, the Constituent Assembly shall remain in place of the Seimas until the election of the Seimas.

The first term of the Seimas shall commence from the date of its election.

The date of election of the first Seimas shall be fixed by the President of the Republic, having in view that it shall not be

later than three months from the date of publication of the Constitution.

Section 105. The President of the Constituent Assembly shall act as President of the republic until the President of the republic shall be elected.

From the date upon which the Constitution takes effect he shall have all the rights given in the Constitution to the President of the Republic.

Section 106. All the laws in force in Lithuania up to the date of publication of this Constitution, which are not contrary to the Constitution, and which shall not be abolished or amended by this Constitution in the manner provided, shall remain in force.

Section 107. The Provisional Constitution of the Lithuanian State ceases to be in force.

Section 108. This Constitution of the Lithuanian State becomes of full force and effect from the date of its publication.

Signed:

A. STULGINSKIS, Acting President of the Republic,
President of the Constituent Assembly.

GALVANAUŠKAS, Prime Minister.

J. KAROBIS, Minister of Justice.

P. JUODAKIS, Minister of Education.

J. OLEKA, Minister of the Interior.

B. TOMASEVIČIUS, Acting Minister of Communications.

D. SISMAKA, Acting Minister of White Russian
Affairs.

V. JURGUTIS, Minister of Foreign Affairs.

J. DOBKĖVIČIUS, Minister of Finance, Commerce and
Industry.

J. ALEKEA, Minister of Agriculture and State
Property.

SLIZYS, Minister of Defense.

M. SOLOVEICKAS, Minister of Jewish Affairs.

Kaunas, August 6, 1922.

13. STATUTE OF THE MEMEL TERRITORY, MAY 8, 1924

(Republique de Lithuanie, Ministere des Affaires Etrangeres, *Documents Diplomatiques: Question de Memel*. 2^e Volume: Reglement de la Question de Memel par le Conseil de la Societe des Nations, pp. 183-197)

Realizing the wisdom of granting autonomy to the Memel Territory and of preserving the traditional rights and culture of its inhabitants;

Recalling the resolution unanimously adopted by the Constituent Assembly of Lithuania on November 11, 1921;

In accord with the Decision of the Conference of Ambassadors of February 16, 1923, to which the Lithuanian Government adhered on March 13, 1923;

And having, by the Convention signed at Paris on May 8, 1924, by the representatives of the British Empire, France, Italy and Japan of the one part, and the representative of Lithuania of the other part, agreed to grant to the Memel Territory the status of an autonomous unit;

The Republic of Lithuania enacts the following Statute:

ARTICLE 1. The Memel Territory shall constitute, under the sovereignty of Lithuania, a unit, organized on democratic principles, enjoying legislative, judicial, administrative and financial autonomy within the limits prescribed in the present Statute.

ARTICLE 2. The President of the Lithuanian Republic shall appoint a Governor of the Memel Territory.

ARTICLE 3. The election of Deputies for the Memel Territory to the Lithuanian Diet shall take place in conformity with the Lithuanian electoral law.

ARTICLE 4. The measures taken by the Lithuanian legislature in execution of international treaties and conventions shall be applicable to the Memel Territory in so far as the said treaties and conventions are not contrary to the present Statute; nevertheless, in the event of their applying to affairs which, by virtue of Article 5, come within the competence of the local authorities of the Memel Territory, it shall be for the latter to take

the necessary measures for the application of the said international agreements.

ARTICLE 5. Subject to the provisions of the preceding articles, the following matters shall be within the competence of the local authorities of the Memel Territory:

1. Organization and administration of communes and districts;

2. Public worship;

3. Public education;

4. Public relief and health, including veterinary regulations;

5. Social welfare and labor legislation;

6. Local railways, except those belonging to the Lithuanian State, roads, local public works;

7. Regulation of the sojourn of foreigners in conformity with the laws of Lithuania;

8. Police, subject to the provisions of Articles 20 and 21;

9. Civil legislation (including proprietary rights) and criminal, agrarian, forestry and commercial legislation (including weights and measures), it being understood that all operations effected by the credit and insurance institutions and the exchanges shall be subject to the general law of the Republic, regulations governing organizations officially representing the economic interests of the territory;

10. The acquisition of rights of citizenship, subject to the provisions of Article 8;

11. Organization of the judicial system, subject to the provisions of Articles 21 to 24;

12. Direct and indirect taxes levied in the Territory, with the exception of customs duties, excise duties, commodity taxes and monopolies on alcohol, tobacco and similar articles of luxury;

13. Administration of public property belonging to the Memel Territory;

14. Regulation on Memel Territory of timber-floating and navigation on the rivers, other than the Niemen, and the canals within the Memel Territory, subject to agreement with the Lithuanian authorities in case such water-courses are utilizable outside the Memel Territory for timber-floating;

15. Registration of trading vessels in accordance with the laws of Lithuania.

The laws of Lithuania may extend the competence of the authorities of the Memel Territory to other matters.

Nothing in this article shall prevent the legislative bodies of the Republic of Lithuania and the Memel Territory from taking legal dispositions to effect a unification of laws and regulations.

ARTICLE 6. In the absence of provisions to the contrary in the present Statute, the local authorities of the Memel Territory, in exercising the powers conferred upon them by the present Statute, shall conform to the principles of the Lithuanian Constitution.

ARTICLE 7. The affairs which, under the present Statute, are not within the jurisdiction of the local authorities of the Memel Territory shall be within the exclusive jurisdiction of the competent organizations of the Lithuanian Republic.

ARTICLE 8. The original citizens of the Memel Territory shall be the persons who acquire that status through the operation of Articles 8 and 10 of the Convention referred to in the preamble of this Statute.

Subject to the provisions of the Lithuanian law on the acquisition of Lithuanian nationality, a law of the Memel Territory shall determine the conditions on which the status of citizen of the Memel Territory may be acquired in future.

For Lithuanian nationals other than citizens of the Memel Territory, the conditions on which the said status may be acquired shall be the same as those laid down in Lithuania for the exercise of all public and political rights.

ARTICLE 9. The citizens of the Memel Territory shall have throughout Lithuanian territory all the recognized civil rights enjoyed by the other nationals of Lithuania.

Lithuanian nationals who are not citizens of the Memel Territory shall have in the said Territory all the recognized civil rights enjoyed by the citizens of Memel Territory.

ARTICLE 10. Legislative power in the Memel Territory shall, within the limits of this Statute, be exercised by the Chamber of Representatives, elected by universal, equal, direct and secret suffrage.

Laws passed by the Chamber will obligatorily be promulgated by the Governor within a period of one month from the date on which the law has been submitted to him, unless, within this period, he shall have exercised his right of veto under Article 16. This period shall be reduced to fifteen days in the case of laws the promulgation of which has been declared urgent by special vote of the Chamber.

The laws shall be countersigned by the President of the Directorate provided for by Article 17 or his substitute.

ARTICLE 11. The members of the Chamber of Representatives shall be elected for three years by the citizens of the Memel Territory, in conformity with the Lithuanian electoral law, in the proportion of one deputy per five thousand inhabitants or for any fraction exceeding two thousand five hundred inhabitants.

Only citizens of the Memel Territory shall be eligible.

ARTICLE 12. The Chamber of Representatives shall meet fifteen days after each election of its members. During the succeeding years of its term, it shall meet in ordinary session on the fourth Monday in January. Ordinary sessions shall have a duration of not less than one month.

The Chamber may also be convoked in extraordinary session by the Governor in agreement with the Directorate.

The closure or adjournment of extraordinary sessions shall be declared by the Governor in agreement with the Directorate.

The Chamber must be convoked by the Governor when at least one-third of its members demand it.

The Chamber may be dissolved by the Governor in agreement with the Directorate. The elections to the new Chamber shall take place within six weeks from the date of dissolution.

ARTICLE 13. The Chamber of Representatives shall draw up its own rules of procedure; it shall elect its President and its officers.

ARTICLE 14. The present Economic Council of the Memel Territory shall continue until the Chamber of Representatives shall otherwise decide. Subject to such decision of the Chamber, the Council shall be consulted by the Chamber upon all fiscal and economic legislation before it is finally voted.

ARTICLE 15. No member of the Chamber of Representatives or of the Economic Council of the Memel Territory may be made the object of any form of criminal proceedings, or be in any way molested, in any part of the territory of Lithuania, in consequence of any act performed or opinion expressed by him in the discharge of his duties as such member. No member of the Chamber may during a session be arrested or prosecuted without the consent of the Chamber except when he is apprehended *in flagrante delicto*; a corresponding immunity shall be enjoyed by the members of the Economic Council during the session of that body.

ARTICLE 16. The Governor shall, within the time limit prescribed in Article 10, have the right to veto laws passed by the Chamber of Representatives of the Memel Territory, if these laws exceed the competence of the authorities of the Territory as laid down by the present Statute, or if they are incompatible with the provisions of Article 6 or with the international obligations of Lithuania.

ARTICLE 17. The Directorate shall exercise the executive power in the Memel Territory. It shall consist of not more than five members, including the President, and shall be composed of citizens of the Territory.

The President shall be appointed by the Governor and shall hold office so long as he possesses the confidence of the Chamber of Representatives. The President shall appoint the other members of the Directorate. The Directorate must enjoy the confidence of the Chamber of Representatives and shall resign if the Chamber refuses it its confidence. If, for any reason, the Governor appoints a President of the Directorate when the Chamber of Representatives is not in session, it shall be convened so as to meet within four weeks after the appointment to hear a statement from the Directorate and vote on the question of confidence.

The members of the Directorate shall have the right of entry both to the Chamber of Representatives and to the Economic Council. They shall have the right to be heard by the Chamber and by the Council when they request it.

ARTICLE 18. The right of initiating legislation shall belong

equally to the Chamber of Representatives and to the Directorate.

ARTICLE 19. Elections to the Communal and District Assemblies shall be held in accordance with the laws of the Memel Territory.

The electoral laws shall be drawn up on democratic principles.

ARTICLE 20. The maintenance of public order in the Memel Territory shall be assured by a local police force responsible to the authorities of the Territory; in case of need, the latter may apply to the Lithuanian Government for assistance.

The necessary police force for the protection of the port shall be detailed by the Memel authorities for service under the Lithuanian authorities.

The frontier and customs police and the railway police shall be furnished by, and be under the direct authority of, the Lithuanian Republic.

ARTICLE 21. The sentences pronounced respectively by the Courts of the Memel Territory and by the other Lithuanian Courts shall have the force of law in the whole territory of Lithuania, including the Memel Territory.

The same shall apply to warrants of arrest delivered by the authorities of the Memel Territory and by the authorities of the other parts of Lithuania respectively.

ARTICLE 22. The organization and competence of the tribunals of the Memel Territory shall be determined by a law of the Territory, subject to the provisions of Article 24. Pending the enactment of such law, the existing organization of the judicial system shall continue in operation.

ARTICLE 23. The judges of the tribunals of the Memel Territory shall be appointed by the Directorate. They shall be appointed for life and may only be dismissed on the motion of that section of the Supreme Court of Lithuania which is competent to deal with the affairs of the Memel Territory, and which will pass sentence in such cases in the capacity of Supreme Disciplinary Council of Magistrates.

ARTICLE 24. The jurisdiction of the Supreme Court of Lithuania shall extend over the whole territory of the Republic, including the Memel Territory.

This Court shall compromise a special section for the affairs of the Memel Territory; this section shall be mainly composed of judges drawn from the magistrates of the Memel Territory and it may hold its sessions in the town of Memel.

ARTICLE 25. The curriculum adopted in the public schools of the Memel Territory shall not be of a lower standard than the curriculum followed in schools of the same standing in other parts of Lithuanian territory.

ARTICLE 26. The authorities of the Memel Territory shall carry out and cause to be carried out in the Territory the provisions contained in the Declaration concerning the protection of minorities made by the Lithuanian Government before the Council of the League of Nations at its meeting of May 12, 1922, with the exception of paragraph 4 of Article 4 of the said Declaration.

ARTICLE 27. The Lithuanian and German languages shall be recognized on the same footing as official languages in the Memel Territory.

ARTICLE 28. The Lithuanian Government will recognize the acquired rights of the officials and employees in the public services who are under its own authority but who perform their duties in the Memel Territory, and will retain those who possess the status of citizens of the Memel Territory and who were in the service on January 1, 1924.

The officials and employees in the service of the Lithuanian administration who are citizens of the Memel Territory shall be subject to the same rules and shall enjoy the same privileges as the officials and employees of the other parts of Lithuania.

ARTICLE 29. The authorities of the Memel Territory shall recognize the acquired rights of all the officials and employees employed in the Memel Territory on January 1, 1923.

In future the officials and employees in the service of the Territory shall be recruited, as far as possible, from among the citizens of the Territory.

ARTICLE 30. The provisions of Articles 28 and 29 may not be invoked by officials who have availed themselves of their right to opt in favor of German nationality.

ARTICLE 31. Until January 1, 1930, the educational authori-

ties of the Memel Territory shall be free to employ teachers of alien nationality to the extent deemed by them to be necessary for the proper maintenance of education in the Territory.

The Directorate shall not, however, be entitled to retain in the Territory under the above provision any person against whom the Governor adduces proof that he is engaged in political agitation contrary to the interests of Lithuania.

On the expiration of the above-mentioned period, foreign teachers may be engaged by the authorities of the Territory with the consent of the Lithuanian Government.

ARTICLE 32. Private property shall be respected. Expropriation shall only take place for reasons of public utility and in return for the payment of equitable compensation in advance, in conformity with the laws, and provided that the provisions of the present Statute are not infringed.

The rights of companies and associations, including religious and charitable organizations, to own property shall be recognized in principle.

ARTICLE 33. The freedom of meeting and association, the freedom of conscience and the freedom of the press shall be guaranteed to all the inhabitants of the Memel Territory without distinction of nationality, language, race or religion, subject to the observance of the laws and regulations necessary for the maintenance of public order and the security of the State.

The same shall apply to freedom of teaching and the right of opening schools.

ARTICLE 34. Passports shall be delivered to citizens of the Memel Territory by the Directorate of the Territory on behalf of the Lithuanian Republic and in accordance with the regulations established by the Lithuanian Government.

In the passports shall be mentioned both the Lithuanian nationality of the bearer and his status as a citizen of the Memel Territory.

ARTICLE 35. Within a period of one month from the coming into force of the present Statute, negotiations shall be entered into between the Lithuanian Government and the local authorities of the Memel Territory for the purpose of determining the percentage of the net yield of the customs duties, excise duties

and commodity taxes, including revenues from monopolies dealt with in Article 5, paragraph 12, which shall be assigned to the Memel Territory. In determining this percentage, account shall be taken: (1) of the average value of imports and exports per head of the population in the Memel Territory and in the other parts of Lithuania respectively during the years 1921 and 1922, special circumstances which may have influenced the returns for those years being allowed for; (2) of the additional revenue and expenditure which the transfer of sovereignty over the Memel Territory to Lithuania involves for the Lithuanian State.

The percentage thus determined may be revised from time to time by the Lithuanian Government in agreement with the local authorities of the Memel Territory.

ARTICLE 36. The tariffs applied on railways and ships to passengers and goods, and the postal, telegraphic and telephonic charges, in the Memel Territory, shall not be higher than the tariffs applied and the charges made for the same purposes in the other parts of Lithuania.

The tariffs applied on the Lithuanian railways to passengers and goods coming from or destined for the Memel Territory shall in no case exceed those applied to passengers and goods in respect of any other journey of the same length in another part of the Lithuanian railway system.

ARTICLE 37. The first elections to the Chamber of Representatives shall take place within six weeks from the date of the coming into force of the present Statute. The Chamber will meet fifteen days after the elections.

Only inhabitants of the Memel Territory over twenty-one years of age may take part in these elections, provided:

(1) that, having acquired Lithuanian nationality on the conditions specified in Article 8, paragraph 1, of the Convention referred to in the preamble to this Statute, they do not opt for German nationality before the date of the elections;

(2) that at least fifteen days before the elections they opt for Lithuanian nationality on the conditions specified in Article 8, *a*) and *b*), of the said Convention.

ARTICLE 38. The provisions of the present Statute may be modified after three years from the ratification by Lithuania of

the Convention of which the said Statute forms part. The procedure of amendment shall be the following:

The Chamber of Representatives of the Memel Territory must pass the bill modifying the Statute by a majority representing three-fifths of the votes of all the members.

The modification, after being adopted by the Chamber, must be submitted for the approval of the citizens of the Memel Territory by way of referendum, if not less than one-quarter of all the members of the Chamber or five thousand citizens possessing the franchise for the Chamber so demand within the three months following the adoption of the modification by the Chamber.

If the modification is approved by two-thirds of the citizens participating in the referendum, it shall be submitted without delay for the approval of the Legislative Assembly of Lithuania. It shall not come into force unless it is approved by the said Assembly within one year from the date of its submission thereto.

14. PROTEST OF THE LITHUANIAN GOVERNMENT AGAINST THE
CONCORDAT WITH POLAND, APRIL 3, 1925

(Lithuanian *Ella* Agency Bulletin, No. 11, May, 1925,
pp. 1-4)

To His Eminence

Cardinal Gasparri,

Secretary-General to the Holy See,
Rome.

YOUR EMINENCE,

The Lithuanian Government, having learned the contents of the concordat recently signed between the Holy See and Poland, has the honor to submit to Your Eminence the following note:

It is already the fourth year that the Poles with the help of an armed occupation have held part of Lithuanian territory with the capital, Vilna. They occupied this territory in the most treacherous manner, by violating the Suvalki agreement of October 7, 1920, which they themselves signed, and simu-

lating a mutiny led by their own General Zeligowski. Lithuania did not renounce and never will renounce either her capital or her territory, which always belonged to Lithuania, and never formed part of Poland.

Lithuania hoped that the Holy See would desire to be impartial or at least neutral in that conflict. The Lithuanian Government has several times already appealed to the Holy See, setting forth the political, national and religious position of the occupied territories. It asked that a Lithuanian church organization, an integral part of which would be Vilna, should be established, or at least that the status quo in the said territory should be maintained, but in no manner incorporated in the Polish church organization. Moreover, in December last, Your Eminence had occasion to learn from the special Lithuanian Catholic delegation, of which the Prelate Staugaitis, then Speaker of the Lithuanian Republican Seimas, was chairman, what particular importance the aforesaid question possessed for the Lithuanian people.

The Lithuanian Government has learned with feelings of the deepest regret of certain decisions adopted in the concordat signed between the Holy See and the Polish Republic. This concordat creates a new ecclesiastical organization in Poland. The Lithuanian occupied territories have been incorporated, without any reservation, in that organization (Art. XXVI). Vilna becomes the centre of one of the five Polish ecclesiastical provinces. In order to strengthen the Polish element therein, the purely Polish land, Lomza, has been attached to Vilna province.

What, however, is still worse, the concordat confides the Church to the State in the occupied regions. True, the archbishops and bishops will be appointed by the Holy See, but according to Art. XI, the Polish State may freely eliminate all candidates who are undesirable to it. Moreover, archbishops and bishops, in addition to an oath of political loyalty, swear also in that sense to superintend the clergy and even positively to cooperate in removing all danger threatening the Polish Republic (Art. XII).

In this manner the concordat seeks to entrust to the arch-

bishop and bishops the discharge of the duties of secret service agents in Lithuanian and White Russian territory. The concordat will subsequently facilitate the removal of all Lithuanians and White Russians from parish incumbencies, because the appointment to the aforesaid incumbencies wholly depends on the will of the Polish Government (Art. XIX).

Lastly, according to Art. XXIII, Lithuanians and White Russians who constitute a large majority in the Vilna ecclesiastical province, so far as regards the use of language in supplementary religious ceremonies and the preaching of religion, depend upon the conference of bishops wholly alien and opposed to the interests of those inhabitants.

Thus the Poles, being helped by the Holy See, have succeeded with the aid of the Church in realizing all their desires by nationalizing the occupied territories; the Church of the Catholics of those territories is incorporated into the Polish ecclesiastical organization; the bishops and parish priests may be appointed only with the consent of the Polish Government. The Government possesses every means of removing Lithuanians and White Russians from the ecclesiastical hierarchy, from parish incumbencies. The bishops must even swear to watch over the security of the Polish State. For the Lithuanians and White Russians such functions appear wholly unacceptable. The Poles, foes of Lithuanian and White Russian nationality, decide whether or not Lithuanian and White Russian believers may use their own mother tongue in their own churches and schools.

Thus the Holy See has given juridical sanction and its moral blessing to an act of brutal force, to an unlawful act which is the fruit of the infringement of international treaties and obligations.

To justify its attitude the Holy See cannot rely either on the authority of the League of Nations or the decision of the Ambassadors' Conference, or on any other juridical act. As regards the League of Nations, without any hesitation it recognized Vilna with its territory as Lithuanian land and as an integral part of the Lithuanian State. Nevertheless, since it did not possess means of physical force to remove the Polish military occupation, the League of Nations proposed a compromise

(M. Hymans' project) which left Vilna and its territory to Lithuania. This compromise not having been accepted by either Lithuania or Poland, the League of Nations left the question unsettled. And only to avoid bloodshed it fixed a provisional demarcation line which in no way whatever could decide beforehand the question of the final boundary. Moreover, this line was never recognized by Lithuania.

As regards the Ambassadors' Conference, it is clear that its decision has no legal validity, because the aforesaid conference had no legal right whatever to regulate the Vilna territory, considering that the Entente never possessed that territory. Further, the Ambassadors' Conference could not in this affair act as an arbitrator because Lithuania had never signed any arbitration treaty with Poland. Consequently the decision of the Ambassadors' Conference of March 15, 1923, is entirely void and in no respect alters the legal position. On the other hand, the final administrator of the said territory, Russia, through the Moscow Treaty of July 12, 1920, transferred all rights over that territory to Lithuania.

Moreover, the Holy See, as a sovereign State which is not represented either in the League of Nations or the Ambassadors' Conference, cannot deem itself bound by the decisions of those two institutions.

Thus the Holy See, by relying in its attitude solely on the actual position, is deeply unjust, because this is the fruit of the violation of a treaty and a brutal *coup de force*. And yet the Holy See does not deem a *fait accompli* as a matter merely for acceptance. The fact that the Holy See during fifty-five years has not recognized the political situation created in Rome in 1870 sufficiently demonstrates this question.

Nevertheless, there is the still more melancholy fact that by signing the concordat the Holy See has given up the Lithuanian and White Russian Catholics of the occupied regions to the most terrible nationalization, which is being accomplished through exploitation of the national feelings of the believers who, when under the rule of the Russian Czars, paid very dearly with their blood for their adherence to the Church and the Holy See.

The Lithuanian Government therefore feels compelled to ex-

press to the Holy See its most emphatic protest against the incorporation of the Vilna territory in the Polish ecclesiastical organization and against the assignment of the said territory to the Polish Church. The Lithuanian Government most emphatically protests against the unjust manner, formally approved by the Holy Sec, in which it is attempted to exploit the religious sentiments of the inhabitants in order to nationalize them. The Holy Sec, as the Head of the Catholic Church, and the highest authority of the Christian world, should never have attached its hand to such a document.

Please accept, etc.

(Signed) J. MAČKEVIČIUS,
Lithuanian Charge d'Affaires to the Holy See.

POLAND

1. PROCLAMATION OF GRAND DUKE NICHOLAS OF RUSSIA TO THE POLES, AUGUST 14, 1914

(London *Times*, August 17, 1914, p. 8, c. 6)

POLES!

The hour has sounded when the sacred dream of your fathers and your grandfathers may be realized. A century and a half has passed since the living body of Poland was torn in pieces, but the soul of the country is not dead. It continues to live, inspired by the hope that there will come for the Polish people an hour of resurrection and of fraternal reconciliation with Great Russia. The Russian Army brings you the solemn news of this reconciliation which obliterates the frontiers dividing the Polish peoples, which it unites conjointly under the sceptre of the Russian Czar. Under this sceptre Poland will be born again, free in her religion and her language. Russian autonomy only expects from you the same respect for the rights of those nationalities to which history has bound you. With open heart and brotherly hand Great Russia advances to meet you. She believes that the sword, with which she struck down her enemies at Grünwald, is not yet rusted. From the shores of the Pacific to the North Sea the Russian armies are marching. The dawn of a new life is beginning for you, and in this glorious dawn is seen the sign of the Cross, the symbol of suffering and of the resurrection of peoples.

GRAND DUKE NICHOLAS NICHOLAIEVITCH.

2. RESCRIPT OF EMPEROR FRANCIS JOSEPH TO PREMIER VON KOERBER, NOVEMBER 4, 1916

(London *Times*, November 6, 1916, p. 9, c. 6)

DEAR DR. VON KOERBER:

In accordance with the understanding reached between me and the German Emperor, an independent State with a heredi-

tary Monarchy and a Constitution will be formed of the Polish districts which our brave armies have snatched from Russian rule. On this occasion I recall with deep emotion the many proofs of devotion and loyalty which during my reign I have received from Galicia and the great and heavy sacrifices which this province, exposed in the present war to a fierce enemy assault, had to bear in the interest of the victorious defence of the eastern frontiers of the Empire, sacrifices which secure for it a lasting claim on my warmest fatherly regard.

It is therefore my will at the moment when the new State comes into existence and coincident with this development to grant Galicia the right to manage independently its own internal affairs in as full a measure as this can be done in accordance with its membership of the State as a whole and with the latter's prosperity, and thereby give the population of Galicia a guarantee for its racial and economic development. In informing you of this my intention, I charge you to prepare suitable proposals for its legal realization and to submit these to me.

FRANZ JOSEF,

(Countersigned) v. KOERBER.

Vienna, November 4, 1916.

3. PROCLAMATION OF GOVERNOR-GENERAL VON BESELER TO THE POLISH PEOPLE, WARSAW, NOVEMBER 5, 1916

(*London Times*, November 6, 1919, p. 9, c. 6)

TO THE INHABITANTS OF THE GOVERNMENT OF WARSAW:

His Majesty the German Emperor and His Majesty the Austrian Emperor and Apostolic King of Hungary, sustained by their firm confidence in the final victory of their arms, and guided by the wish to lead to a happy future the Polish districts which by their brave armies were snatched with heavy sacrifices from Russian power, have agreed to form from these districts an independent State with a hereditary Monarchy and a Constitution. The more precise regulation of the frontiers of the Kingdom of Poland remains reserved.

In union with both the Allied Powers the new Kingdom will find the guarantees which it desires for the free development of

its strength. In its own army the glorious traditions of the Polish Army of former times and the memory of our brave Polish fellow-combatants in the great war of the present time will continue to live. Its organization, training and command will be regulated by mutual agreement. The Allied Monarchs confidently hope that their wishes for the State and national development of the Kingdom of Poland will now be fulfilled with the necessary regard to the general political conditions of Europe and to the welfare and security of their own countries and peoples.

The great western neighbors of the Kingdom of Poland will see with pleasure arise again and flourish at their eastern frontier a free and happy State rejoicing in its national life.

By order of His Majesty the German Emperor,

VON BESELER, Governor-General.

(A similar proclamation was published by the Austro-Hungarian Governor-General at Lublin.)

4. RESOLUTIONS OF THE POLITICAL CONGRESS OF MOSCOW, AUGUST 9, 1917

(*Bulletin Periodique de la Presse Polonaise*, No. 30, pp. 1-2, September 23, 1917, citing *Dziennik Polski*, July 29/August 11, 1917)

1. The immutable aspiration of the Polish nation is to obtain, as the immediate result of the present war, an independent Polish State, constituted by the reunion of all Polish territories, possessing its maritime coasts and the mouths of the Vistula. To attain this aim it is indispensable to break the hegemony of Germany in Europe, supported by Prussian militarism, and to tear away from the Central States the Polish lands which they have in their possession. Poland is thus directly interested in the victory of the anti-German coalition and in the realization of the program of the new European régime defined by the United States and accepted by the other Allies, a program which involves the equal right of all nations to dispose freely of themselves and to constitute autonomous

States. Everything which fortifies the Central States, which subordinates Poland to their policy, which brings about a premature ending of the war, which forms an obstacle to the realization of the fundamental program of the Allies, namely, the right of nations to regulate their own destinies, and, finally, everything which abuses that formula, noble in itself, of peace without annexations, in order to maintain German domination over the peoples which aspire towards their own enfranchisement, is contrary to the interest of Poland.

2. The Congress affirms that, in its conception of the program of Polish policy, it is in accord with the general will of the three portions of Poland. This will was expressed in a clear and categorical fashion on May 28, 1917, at Cracow, in the resolution in which the Kolo of the Diet stated that "the Polish nation aspires unanimously to the restoration of one independent and unified Poland with access to the sea" as well as in the declaration made to the Reichstag by Deputy Seyda in the name of the Polish Kolo, stating that "the Poles of Prussia have never lost the sentiment of national unity and have always professed the principle that nations have a right to regulate their own fate themselves." Similarly in the Kingdom, as is attested by the general course of events and the political situation, the immense majority of society repudiates energetically the solution of the Polish question attempted by the Central Powers by the Act of November 5, and it is hostile to all that could subordinate Poland to German policy; the Council of State constituted by virtue of the Act of November 5 is not considered by Germany except as an organ serving as intermediary to the occupying authorities and indispensable under existing conditions; on the other hand, in as much as it depends legally on the Central States, Germany accords it no right to be the expression or the guide of the will of the country and of the nation.

3. The Congress believes that, to realize the entire unification and the full liberty of Poland, the essential task at present is to constitute an autonomous Polish armed force, to fight against the Central States, the last refuge in Europe of the system of oppression and of conquering militarism which out-

rages the rights of peoples. In the face of the obstacles raised by the Russian Government to the organization of a separate Polish armed force, the Congress declares that this attitude is of a nature to weaken in the Polish nation the confidence in the sincerity of the Act promulgated on March 17/30 by the Russian Provisional Government.

4. The Congress declares that the Polish nation has the incontestable right itself to defend its own cause at the future peace congress.

5. DECLARATION OF THE AUSTRIAN AND GERMAN GOVERNORS-GENERAL IN OCCUPIED POLAND TO THE POLISH COUNCIL OF STATE, WARSAW, AUGUST 30, 1917

(*Bulletin Periodique de la Presse Polonaise*, No. 30, p. 5, September 23, 1917, citing the *Glos Narodu* of September 1, 1917)

The coalized governments express by these presents the regret that the members of the High Council of State should have resigned. This regret is all the more keen because the negotiations relative to the creation of a Polish Government were approaching their consummation. As the Honorable Councillors already know, the Legions have been sent to the south-east front for reasons of military necessity. Military dispositions of this nature can not be made public before their execution. All during their employment at the front, the Legions will be subordinated to the supreme Austro-Hungarian command. The coalized governments do not doubt for an instant that the Legions, recalling their traditions, will this time once more fulfil their chivalrous duty. The date at which the Legions will be turned over to their true mission, which is to form the skeletons of the Polish army, cannot at the present time be definitely fixed. The formation of the Polish army, nevertheless, will not suffer interruption by the fact of the departure of the Legions. There remains in the Kingdom the necessary personnel for instruction and recruiting. It follows from the foregoing that the task of creating the Polish army has in no way been re-

nounced, any more than the organization of the public powers of the Kingdom. On the contrary, the Central Empires hope that very shortly there will be created the institutions which will put Poland in the ranks of the independent states of Europe.

VON BESELER, German Governor-General.

SZEPTYCKI, Austro-Hungarian Governor-General.

6. DECLARATION OF POLISH PARTIES IN REGARD TO THE REGENCY COUNCIL, WARSAW, SEPTEMBER 11, 1917

(*Bulletin Periodique de la Presse Polonaise*, No. 31, p. 4, citing *Naprz*, September 15, 1917)

NOTE: Six of the principal Right political parties in Warsaw, on learning of the approaching issuance of the Imperial Patents constituting the Regency Council, drew up a common declaration in which they recalled the fact that they were foreign to the elaboration of the constitutional project in question as well as to the choice of the persons who were going to be called to constitute the Regency Council. Their protest then stated:

The Regency Council, which is going to receive a large field of action for the organization of the State, can realize its task and obtain happy results for the country, on condition of not losing sight for a single instant of the fact that, conformably to the spirit of Polish history, it is the Nation which remains, as in the past, the sole source of supreme power. We believe without question that, in the transitory conditions of the present, the Regency Council would not wish, without reference to the national will, to pre-judge the frontiers any more than the régime of the Polish State; that it will not offer the Crown of Poland to any one; that it will conclude no treaty, either political or economic, of a nature to pawn the destinies of Poland. We count equally on the Regency Council protecting the nation against the destructive consequences of the war, and undertaking effectively by its own forces the building up of a Polish State while watching with unflagging vigilance over the defence of our national interests.

7. RESCRIPT OF EMPEROR WILHELM II, ANNOUNCING THE CREATION OF A REGENCY COUNCIL, SEPTEMBER 12, 1917

(*Bulletin Periodique de la Presse Polonaise*, No. 31, p. 4, October 9, 1917, citing *Głos Narodu*, September 15, 1917)

TO MY GOVERNOR-GENERAL OF WARSAW,

INFANTRY GENERAL VON BESELER!

My illustrious ally, His Apostolic, Royal and Imperial Majesty, and I have decided to further the development of the Polish State of which we laid the bases by the manifesto of November 5, 1916. The hard conditions of the war do not permit that a king give from today on a new luster to the ancient Polish Crown, nor that a Polish parliament, issuing from direct and universal suffrage, undertake its deliberations for the good of the country. On the other hand, we wish from now on to confer the authority for the most important affairs to a national government, while the rights and the interests of the country shall be confided to a Council of State established on the broadest bases. In accord with the propositions formulated by the trustworthy men of Poland herself, the two protecting Powers reserve to themselves exclusively the rights imposed by the conditions of the war. I hope that this new act, wrought out with a view to realizing an independent Polish State, will be a gage of well-being for the country, when it shall have received all its development. I hope that Poland, whose political, intellectual and economic evolution has been gravely hampered by Russian domination, will enjoy in the future a well-being and a liberty which will find their guarantee in the energy of her citizens and in their faithful friendship to the Central Powers which accord her their support.

WILHELM, I. R.

8. DECREE OF THE GERMAN AND AUSTRIAN GOVERNORS-GENERAL
IN POLAND INSTITUTING THE POLISH REGENCY COUNCIL,
SEPTEMBER 12, 1917

(*Bulletin Periodique de la Presse Polonaise*, No. 31, p. 4, Oc-
tober 9, 1917)

ARTICLE 1. The Supreme Power in the Kingdom of Poland, until it shall be taken in hand by a king or a regent, is confided to a Regency Council subject to the rights guaranteed to the occupants by international conventions. The Regency Council is composed of three members, who will be named by the monarchs of the Powers which are masters of the country. The official acts of the Regency Council shall be countersigned by a responsible minister president.

ARTICLE 2. Within the limits of the present decree and of the laws which on this basis will subsequently be promulgated, the executive power is exercised by the Regency Council with the collaboration of the Council of State. In all affairs whose administration has not yet been handed over to the Polish public authorities, legislative projects cannot be discussed except with the approbation of the Powers which are masters of the country. In these questions, the Governor-General can, along with the organs of the Kingdom provided for in Article I, issue, until further orders, ordinances having the force of law, after having consulted the Council of State. In addition, to safeguard important military interests, the Governor-General can promulgate the necessary ordinances having the force of law and demand that the organs of the Polish public authorities assure their publication and execution. The ordinances of the Governor-General cannot be repealed or modified except by the authority which has issued them. The laws and decrees of the Polish authorities, which ought to be the base of the rights and duties of the population, will be submitted before their promulgation to the Governor representing the Power having authority in the administrative zone in which they are to enter into force. They cannot have the force of law unless the Governor raises no protest within fourteen days.

ARTICLE 3. The Council of State shall be constituted in virtue of a special law promulgated by the Regency Council with the approval of the Powers which are masters of the country.

ARTICLE 4. Judicial and administrative functions, in the measure in which they have been transferred to the Polish authorities, will be exercised by the Polish courts and administrative services; for the rest, during the period of the occupation, by the organs of the Powers which are masters of the country. In the questions which touch the rights and interests of the Powers which are masters of the country, the Governor-General can submit to a further examination, to verify their validity, the judgements and decisions of the courts and the administrations; if sentences or decisions of the highest instance are involved, he can delegate his representative to defend the said rights and interests.

ARTICLE 5. The right to assure the international representation of the Kingdom of Poland and that of concluding international accords cannot be conceded to the Polish authorities until after the end of the occupation.

VON BESELER,
SZEPTYCKI.

NOTE: In an annexed decree the Governors-General indicate that the Regency Council is to name a Prime Minister, whose choice will be ratified by the Central States, and who will proceed to the organization of a cabinet. The Council of State, whose prerogatives will be further defined, will be enlarged and will have more extended rights.

9. ADDRESS OF THE COUNCIL OF STATE IN REPLY TO THE IMPERIAL RESCRIPT OF SEPTEMBER 12, 1917, PRESENTED TO GOVERNOR-GENERAL VON BESELER, WARSAW, SEPTEMBER 15, 1917

(*Bulletin Periodique de la Presse Polonaise*, No. 32, October 22, 1917, p. 5, citing the *Kurjer Poznany* of September 18, 1917)

EXCELLENCY!

In the name of the Liquidation Commission of the Provisional Council of State, I pray you to transmit to the two monarchs

our homage and our profound gratitude. The Provisional Council of State has the satisfaction of seeing in the creation of a new Polish supreme authority the realization of its fondest wishes. The imperial rescripts and the patents promulgated perfect the laying of the foundations of an independent Polish State. They represent a considerable step forward in the development of the general principles laid down in the manifesto of November 5, 1916, which awakened such great hopes in the Polish nation. During the war, to the sound of their victorious armies, the Central States realized the hopes of the Polish nation and thus strengthened the tie which, in the future, will permit the accord of their policy with that of the Polish State.

For the Liquidation Commission of the
Provisional Council of State,

MIKULOWSKI-POMORSKI.

10. STATEMENT OF THE RUSSIAN PROVISIONAL GOVERNMENT RESPECTING THE GERMAN AND AUSTRO-HUNGARIAN RESCRIPTS CREATING THE POLISH REGENCY COUNCIL PETROGRAD, SEPTEMBER 16/29, 1917

(*Bulletin Periodique de la Presse Polonaise*, No. 33, p. 4, November 7, 1917, citing the *Gazeta Polska* of September 16/29, 1917)

I cannot pass in silence the recent acts of Germany in regard to the Polish question. The rescript promulgated and the new statute cannot be considered except as serious concessions accorded to the Poles on account of the grave situation of Germany, but these concessions, apparently, are not of a nature to satisfy the Poles, whose country remains torn asunder. To this policy Russia opposes the principle which she has proclaimed of the right of nationalities to regulate their destinies themselves. The Provisional Government affirms anew its unshakable intention to work for the realization of the principles of its manifesto of March 17/30 in regard to the reestablishment of an independent Polish State embracing all the territories inhabited by a majority of Poles, with the right of the Polish nation to dispose of itself freely and in conformity with

the ethnographic principle. The Provisional Government has addressed itself to the Allied States by suggesting the idea of promulgating a special act which would sanction the essential principles of the manifesto of March 17/30. Furthermore, Russia is preoccupied with assuring to the future independent and unified Polish State the indispensable conditions for its economic and financial rehabilitation. This does not in any way exclude the attribution to Poland of indemnities which would compensate for the damages suffered because of the enemy invasion.

TERECHTCHENKO.

11. COMMUNIQUE OF THE RUSSIAN FOREIGN OFFICE RESPECTING
THE POLISH SITUATION, OCTOBER 1, 1917

(*Bulletin Periodique de la Presse Polonaise*, No. 33, p. 3, November 7, 1917, citing *Gazeta Polska* of September 19/October 2, 1917)

The Minister of Foreign Affairs (Terechtchenko) recognized the legitimacy of the demands which were presented to him (by a delegation of the Rada Polska) in regard to the promulgation by the Entente of a collective act inscribing among the war aims and peace conditions the reconstitution of an independent and unified Poland, endowed with all the conditions for a full development of its vital forces and of its economic independence, i.e., having access to the sea; a collective act which, on the other hand, will assure the Polish nation the effective aid of the Entente in all its efforts to attain this goal. He declared further that the Russian Government had presented to the Allied Powers propositions in this sense. The Russian Government recognized equally the necessity of the financial aid of the Allies for the rehabilitation of Poland, in a manner to guarantee her financial and economic independence with relation to Germany. Finally the Minister of Foreign Affairs declared that he considered it as equitable and natural that the Poles should have, in the forthcoming Allied Conference, the possibility of presenting directly the aspirations and needs of the Polish nation.

12. DECLARATION OF THE POLISH GOVERNMENT IN REGARD TO
THE PEACE NEGOTIATIONS AT BREST-LITOVSK, MADE AT
WARSAW, JANUARY 30, 1918

(*Bulletin Periodique de la Presse Polonaise*, No. 40, p. 6,
February 26, 1918)

The Polish Government has formulated the legitimate desire of being admitted to participate in the peace negotiations at Brest-Litovsk to defend the vital interests of the Polish nation. The matter has struck obstacles and its settlement has been retarded. Finally, the Polish Government has been informed that the Russians had protested against the admission of a delegation from the Polish Government to the peace negotiations. This protest was submitted to. Deprived of the possibility of speaking a word on the Polish question in the course of the negotiation, the Polish Government believes it necessary to set forth its attitude toward the questions which, if it were admitted to the negotiations, would demand on its part a preliminary declaration.

(1) The Polish nation, despoiled of its independence and dismembered at the end of the 18th century, claiming its imprescriptable rights, has not ceased to affirm since the partitions its unshakable will to reconstitute an independent State. . . .

(2) This invincible aspiration of the Polish nation, suppressed for long years by foreign oppression, has permitted the creating of a State, thanks to the historic acts of the two allied monarchs.

(3) The Regency Council and the government named by it, being thus far the sole organs of Polish sovereignty, are qualified to represent the Polish State provisionally both at home and abroad, up to the time when a diet elected on the basis of democratic principles shall fix definitively the form of the Polish Government.

(4) The Polish Government is filled with the desire that the Polish State, in keeping with its historic tradition, and continuing it while adapting it to the modern spirit, shall support itself on democratic principles in its political and social organization as well as in its international relations. . . .

(5) The Polish nation desires that the murderous struggle of the peoples shall be ended as soon as possible and that a general peace be concluded on the basis of justice and liberty, with a guarantee for the nations of the right to dispose freely of their own fate and to fix their régime, a peace which shall permit peoples to live fraternally and which, in particular, will restore to Poland the place due her among the free and independent nations of the world. The Polish Government desires to contribute according to its forces to the conclusion of such a peace, and it is in this spirit that it demands that its representatives be admitted to participate in the negotiations at Brest-Litovsk.

(6) The negotiations in course at Brest-Litovsk, in so far as they touch Polish vital interests, demand absolutely that a Polish representation shall be admitted with the right to take part in the decisions. The Polish Government declares that all the accords concerning the fate of Poland and prejudicing the rights of the Polish nation will not be recognized by it as having any legal value from the moment that they are concluded without a representation of the Polish State. The future relations of Poland with other states cannot be established except by the free will of the nation.

(7) The part of Poland which, under the name of the Kingdom of Poland, was attached to Russia at the Congress of Vienna by means of a dynastic union . . . must enter integrally into the composition of the independent Polish State. As regards the rest of the territories occupied in Russia by the Central Empires, territories which belonged to the Polono-Lithuanian State, the Polish nation has made known at various times since the partitions, and it is now ready to make solemnly known, that it would be happy to extend a fraternal hand to these countries and to renew its union with them on the bases of a free accord and an entire equality of rights. Applying completely the principle of the right of peoples to self-determination, the Polish Government recognizes that the mixed population of these territories, in which the Poles constitute a very important element which dominates in a series of districts, ought to have the right and the opportunity of determining, in full liberty and apart

from all pressure, the future and the régime of these regions. . . .

(8) The Polish State must be able as soon as possible to organize itself according to the will of the nation. It must have the means shortly to summon a diet issuing from democratic and entirely free elections. It must have the power rapidly to create a national army. The administration of the country must as soon as possible pass into the hands of the Poles. The return to their mother country ought immediately to be permitted to Polish citizens, both civil and military, who have been drawn away, not excluding prisoners of war. As soon as possible after the conclusion of peace, the state of occupation must be liquidated.

13. RESOLUTION OF THE POLES OF LWOW IN REGARD TO THE
TREATY OF BREST-LITOVSK, FEBRUARY 13, 1918

(*Bulletin Périodique de la Presse Polonaise*, No. 41, March 12, 1918, pp. 5-6, citing the *Kurjer Poznański*, February 20, 1918)

We protest solemnly before Europe, before all those who are capable of human feeling in this world, against this violence, which outrages all laws, human and divine. We declare that, as far as we are concerned, we do not recognize and will never recognize the legal character of this violence, and, having an unshakable faith in the definitive triumph of justice over brute force and diplomatic cheating, we take an oath on the tombs of our heroes and our martyrs, on the heads of our children, to defend with the last breath of our bodies, to the last drop of blood in our veins, by all the means which the moment shall demand, our holy cause, so often recognized, and guaranteed to be such by our enemies themselves.

14. MANIFESTO OF THE POLISH REGENCY COUNCIL ON THE SIGNING OF THE TREATY OF BREST-LITOVSK, WARSAW, FEBRUARY 14, 1918

(*Bulletin Periodique de la Presse Polonaise*, No. 41, March 12, 1918, p. 4, citing the *Glos Narodu* of February 16, 1918)

When the allied armies of the monarchs of the Central Powers entered into the Kingdom of Poland with their victorious standards, they made us understand that they came to deliver Poland from the yoke which had for a long time borne down upon her. Later came the acts guaranteeing to our motherland an independent existence. Finally, some months ago, the sovereignty of the Polish State was recognized and it was promised amity, aid, cooperation. And when the Czarist government collapsed in Russia and the new power engaged in peace negotiations with the Central Powers, Poland was not admitted to take part. From the beginning of these negotiations we have constantly and categorically demanded the right to take part. We were promised admission, then an answer to our request was delayed, we were decoyed until, at last, the plenipotentiaries of Germany and Austria alone settled the question of the frontiers, and that in contravention of our rights. We were denied admittance so that, in our absence, peace could be concluded at our expense and the desired security obtained in the East at the price of the living body of our nation. A part of Polish land has been cut off and handed over to the Ukrainians. There has been a lapse into the iniquities of the Czarist government and the creation of the Russian nationalists, the Government of Chelm, which no longer existed, has been reestablished and enlarged, thus aggravating the iniquity inflicted on the Polish nation. The country ceded to the Ukraine is for the most part Polish and Catholic. The population of this country, in the epoch of the odious religious persecution of 1875, bought with its own blood the right to belong to Poland. This population has not been asked to what State it desired to belong. By the stroke of a pen its fate was decided, and thus the principle that the peoples have the right to dispose of themselves, so many

times and so solemnly proclaimed by the German and Austrian diplomats, has been violated as regards Poland. Thereby there has been reduced to nothingness the significance of the acts of the monarchs and of their assurances of friendship. The existence of independent Poland, its existence as a State, its political and economic vitality are nothing more than vain words, for not only have the interests and the rights of Poland been misunderstood, but not even the national territory has been respected.

We have sworn before God to safeguard the well-being, the liberty, the forces of Poland, and so today, faithful to our oath, we raise our voice before God and before the world, before men and the tribunal of history, before the German people and the Austro-Hungarian peoples, and we protest against this new partition, which we refuse to recognize, which we brand as an act of violence. Having once more proved the violation of the spirit and the letter of the acts of monarchs, we will be able to assume the right to exercise the power with the will of the nation, with the firm conviction that it desires to possess a symbol of its independence and that it is resolved to rally around this symbol. It is this will of the nation that we wish to have in support of our mission and of our efforts. We will conserve for the present what we have acquired, we will preserve our tribunals which render their decisions in the name of the Crown of Poland, our schools which are being born again in the Polish spirit, and if we do not manage more fully to attain the goal to which the nation aspires, we will hand on as a legacy to our successors that which we have received with the blood of our fathers and we will not recognize the mutilation of our mother country.

15. EXCERPT FROM THE SPEECH FROM THE THRONE, READ TO THE POLISH COUNCIL OF STATE ON BEHALF OF THE POLISH REGENCY COUNCIL BY PRINCE LUBOMIRSKI, WARSAW, JUNE 22, 1918

(*Bulletin Periodique de la Presse Polonaise*, No. 50, July 31, 1918, citing *Glos Narodu*, June 24, 1918)

The Regency Council and the Polish Government, which follow with attention the course of events, have the firm conviction that behind them is the whole nation, united in the aspiration towards a free and independent existence. We find our support in the magnanimous act of the puissant sovereigns who guarantee Poland an autonomous existence. This guarantee is, on the one hand, the source of profound gratefulness to these monarchs, and on the other hand, for us and our government, the basis of the conviction that the realization of the independence of the Polish State will take place in strict accord with the two Central Powers and will express itself in a lasting convention with them.

16. MANIFESTO OF THE REGENCY COUNCIL TO THE NATION, WARSAW, OCTOBER 7, 1918

(*Bulletin Periodique de la Presse Polonaise*, No. 55, p. 4, November 10, 1918, citing *Monitor Polski*, October 7, 1918)

The solemn hour awaited by the nation has just struck. Like the whole world, we adhere to the principles proclaimed by the President of the United States. Applied to Poland these principles lead "to the creation of an independent State comprising all the Polish territories, with access to the sea, with political and economic independence which will be guaranteed by international treaties." Poles ought now to unite all their efforts so that their will shall be recognized by the whole world. To this end we decide that the Council of State shall be dissolved, that a new government shall be immediately constituted on the broadest possible bases, that a democratic electoral law shall be elabo-

rated within the maximum space of a month, and that as soon as possible thereafter a Diet, charged with organizing the sovereign authority of the State, shall be convoked to which the Regency Council will hand over its powers.

17. MANIFESTO OF THE PRUSSIAN POLES, FOLLOWING GERMANY'S
ACCEPTANCE OF WILSON'S FOURTEEN POINTS AS THE BASIS
OF NEGOTIATIONS FOR PEACE, OCTOBER 12, 1918

(*Bulletin Quotidien de Presse Etrangère*, No. 967, p. 4, October
24, 1918, citing the *Berliner Post*, October 13, 1918)

After four years of a terrible war and of immense suffering, which have destroyed the best forces of humanity, there rise from the bloody chaos the outlines of a new organization of the world on the basis of justice and of the right of all peoples to dispose freely of themselves. The program of a permanent peace, established in the sense of the foregoing principles, which is contained in the well-known declarations of President Wilson, has now been equally adopted by the German Government, as can be seen from the last peace note of October 5, 1918. In consequence, the hour has also sounded for us Poles to raise our voice to claim the imprescriptible rights of the nation. Only the union into a whole of all parts of the people who inhabit Polish territories and who possess the complete rights of a state can offer the guarantee of a durable alliance of peoples. It is this which President Wilson recognized in laying down in his peace program the formation of an independent Poland, composed of all the Polish territories and possessing a maritime coast as one of the principles of a just international organization of the world. The fact that the German Government has adopted Wilson's program unreservedly as a basis for peace negotiations permits the conclusion that it is in accord with the general outlines of this program as regards the Polish question.

We, Poles inhabiting the provinces incorporated into Prussia, take note of this accord and this unity by the signature of all our leading political organizations, of all the Polish parties without exception, and of all the press as the organ of public

opinion. In establishing this national accord and unanimity, we consider it as our duty to confirm the position adopted by our national representation on October 5 by an act of our own common will, and we solemnly declare that at this grand and solemn hour of universal history we place with full confidence the further direction of policy in the sense of the justified interests of our unvarying national ideal in the hands of our deputies in both the Landtag and the Reichstag.

The Poles will remain in the future, as they have been hitherto, faithful to their tradition of glory which, since the beginning of history, has been illumined by the same ideal of the liberty and fraternity of peoples, whose triumph bursts forth from the seed scattered in endless floods of blood.

Under the banner of these principles, Poland, united and independent, will enter into the society of free peoples, as the sincere and indomitable defender of tolerance within and concord among the peoples without, in keeping with the great motto of our forefathers: "Free with free men, equals with equals."

18. PROCLAMATION OF THE POLISH GOVERNMENT, NOVEMBER 3,
1918

(*Bulletin Periodique de la Presse Polonaise*, No. 57, p. 2, December 12, 1918, citing the *Gazeta Narodowa* of November 6, 1918)

In order to face the immense task before it, the nation must obtain without delay a government which shall be the faithful expression of the general will. Realizing that the interests of the privileged classes ought at this historic hour to be subordinated to the welfare of the Motherland, the present government has resolutely undertaken the initiative of constituting forthwith a National Government, and that in concert with the political parties which represent the working people of Poland. The National Government, constituted by a majority of representatives of the working classes, must be formed without delay. Remaining at our post until the day when it shall be established and when it shall assume undivided power before the establish-

ing of the Constituent Diet, we appeal to the nation to collaborate in this great work, which begins on this day, of creating the Polish Republic.

NOTE: The Regency Council was not notified of this manifesto until after it had been published.

19. MANIFESTO OF THE POLISH REGENCY COUNCIL TO THE NATION, NOVEMBER 4, 1918

(*Bulletin Periodique de la Presse Polonaise*, No. 57, p. 2, December 12, 1918, citing the *Gazeta Narodowa* of November 7, 1918)

With the protection of God, the Regency Council, as well as all the nation, is marching towards the realization of a unified Poland. The only way is the Constituent Diet. We will not permit any one to thrust it aside. The mandataries of the sovereignty of the people cannot be these or those unstable party groups, but only a Diet constituted on the broadest bases possible. We decide to publish without delay an electoral law and to convoke a Diet in the course of December. We will place in its hands our sovereignty. We invite all the parties to present for our sanction a National Government which shall be the complete image of the nation, in default of which we will call a sincerely democratic cabinet which will place the cause of the Motherland above all partizan considerations.

20. MANIFESTO OF JOSEPH PILSUDSKI TO THE POLISH NATION, WARSAW, NOVEMBER 14, 1918

(*Bulletin Periodique de la Presse Polonaise*, No. 57, p. 4, December 12, 1918, citing the *Kurjer Poznany*, of November 16, 1918)

On returning from captivity in Germany, I have found Poland, which has just shaken off the yoke, in the most chaotic internal and external situation, in the presence of infinitely difficult tasks in regard to the solution of which the Polish people

alone must show its organizing capacity, for no force from outside can impose that capacity on it. I have thought that it was my duty to facilitate for the people its work of organization and I have made the decision to study the rôle and the importance of the leaders of the Polish political parties which ought to give character to the new government. In my interviews with the representatives of almost all the parties, I have found, to my great satisfaction, the full confirmation of my thoughts. The majority of these parties advised the creation of a government not only on democratic bases but with an important participation of representatives of the people of the cities and the countryside. Bearing in mind the powerful currents which are triumphing today in the West and the East of Europe, I have decided to name as President of the Polish cabinet the deputy Ignace Daszynski, whose long patriotic and social services give me the guarantee that he will, in collaboration with all elements, know how to contribute to the restoration of the Motherland which is rising from her ruins. The people, by reason of its precarious situation, has not been able to draw from its midst the numerous professional forces of which the country has need today. I have therefore asked the President of the Council to have regard for this condition of affairs and to increase the efficacy of the work of his cabinet by calling in qualified specialists, regardless of their political convictions. Bearing in mind the situation of Poland, the Government, up to the convocation of a Constituent Diet, has a provisional character, which does not permit it to carry out the far-reaching social transformations which the Diet alone can decree. Convinced that only the Diet has the power to give laws to the Nation, I have demanded that it be convoked as soon as possible, within a few months. Considering the exceptional position of the country from the standpoint of public law, I have asked the President of the Council to submit to me a draft bill providing for the establishment of a supreme representative authority of the Polish Republic while awaiting the convocation of the Diet in which the representatives of the three parts of the country will take place. I transmit to the present Government of the Republic

the numerous observations and demands which have been addressed to me by the parties.

JOSEPH PILSUDSKI.

21. MANIFESTO OF THE PROVISIONAL GOVERNMENT OF THE REPUBLIC TO THE POLISH NATION, NOVEMBER 20, 1918

(*Bulletin Periodique de la Presse Polonaise*, No. 58, p. 3, December 25, 1918, citing the *Kurjer Polski* of November 21, 1918)

We have issued from the people. The Polish peasants and workers have placed in our hands the governmental authority over the hitherto enslaved portions of Poland. Thus we desire to be a popular government, defender of the interests of millions of workers; we wish to point out new ways for their expansion, to accomplish their will. We are a provisional government created at a moment of pressing necessity. This authority we shall hold until the convocation of the Diet. The Constituent will be elected by universal, direct, equal and proportional suffrage for all citizens of both sexes over twenty-one years of age. The elections will take place the last Sunday in January, 1919.

We are facing many problems. . . . Our first task will be the reunion of all the territories inhabited by Poles or by persons attaching themselves of their own accord to Poland. All the citizens will enjoy the conditions indispensable to a peaceful and fruitful activity. We believe it urgent to create a solid army destined to protect our frontiers and to safeguard all the rights won by the people. We will seek an equitable and peaceful settlement of all our quarrels with neighboring peoples. One of our most pressing obligations is that of establishing cordial relations with the different States. Our representatives will go to the capitals of the Entente, to whose victories Poland owes for the most part her liberation, and from which she expects serious support in the determination of the frontiers of our country. In matters of internal policy we will organize the administrative forces by allowing the principle of the

nomination of functionaries to remain for the moment, but the new order ought to bring about the election by the people of all the different kinds of functionaries. We are preparing draft bills looking to the compulsory expropriation of large landed properties which, under the control of the State, will be handed over to the working people. Other projects concern the nationalization of mines, salt-works, petroleum industries, ways of communication, etc., the participation of the workers in the administration of the nationalized industries, the protection of labor, insurance against unemployment, sickness and old age, the confiscation of fortunes made by speculation during the course of the war, the introduction of the eight-hour day in all branches of industry, commerce and trades, the abolition of *majorats*, the creation of public, laic and free schools accessible to all, etc. We are suppressing all titles, with the exception of scientific degrees. We ask the country to aid us in our work by relegating to the background all partizan interests and those of a secondary order.

22. DECLARATION OF THE POLISH POLITICAL PARTIES, WARSAW,
DECEMBER 20, 1918

(*Bulletin Periodique de la Presse Polonaise*, No. 62, February 14, 1919, citing *Czas*, December 26, 1918)

The Supreme People's Council of Posen and the political parties of the Kingdom and of the former Austrian Poland, meeting at Warsaw on December 20, in the person of their representatives, on the occasion of the forthcoming conferences of the Allied States in the capital of France in regard to the liquidation of the war and the establishment of world peace, declare: It is the unshakable will and the categorical postulate of all the Polish nation, bound to the States of the Entente by a community of ideas and of historic traditions, that the strict alliance concluded with them in the course of the war and sealed by the fraternity of arms in the blood of the victorious armies shall be maintained in all its force after the conclusion of peace to the furthest years. Faithful to the great maxims professed

by the coalition of the Allied Powers, the Polish nation will combat with all its energy the appetites of conquest of which Poland has been the victim, as also the manifestations of barbarism and anarchy which today in Russia are ravishing the organism of the State and of society. Conscious of the imprescriptible rights and of the historic mission of our nation, we turn our eyes, in this solemn moment, with faith and confidence, towards Paris, which receives within its walls our puissant Allies, to whom we owe infinite recognition for the reconstitution of the free and independent Poland proclaimed in the memorable message of President Wilson and in the declarations of Versailles, as well as for the admission of representatives of our country to the deliberations of the Allies. We do not doubt that the result of these deliberations will be to redress the great historic iniquity inflicted on our country and on all humanity through the tearing asunder of the living organism of our country and that the wisdom and justice of the statesmen called upon to decide will restore us our Poland, which, in possession of its own maritime coast and of the ancient Polish port of Danzig, robust and thriving both from a political and an economic point of view, will be the solid guarantee of the new principles of law and order which the Powers will inaugurate, and by the same fact also the guarantee of civilization and peace in the vast region which stretches between conquering Germanism and all the East of Europe. We beseech the Polish National Committee in Paris to communicate this declaration to the Governments of all the Allied States.

THE SUPREME PEOPLE'S COUNCIL OF POSEN.

THE UNIFIED POPULIST PARTY OF THE KINGDOM AND
OF GALICIA.

THE NATIONAL WORKERS' UNION.

THE POLISH POPULIST ASSOCIATION.

THE CHRISTIAN DEMOCRATIC PARTY.

THE NATIONAL-DEMOCRATIC PARTY OF THE KING-
DOM, OF GALICIA AND OF SILESIA.

THE PARTY OF REALIST POLICY.

THE PARTY FOR THE UPBUILDING OF UNIFIED
POLAND.

THE POLISH PROGRESSIVE PARTY.

THE UNION OF ECONOMIC INDEPENDENCE.

THE PARTY OF NATIONAL RENAISSANCE.

THE LEAGUE FOR THE UPBUILDING OF THE POLISH
STATE.

THE PARTY OF NATIONAL ACTION.

THE POLISH DEMOCRATIC PARTY.

23. STATEMENT OF IGNACE JAN PADEREWSKI ON HIS ARRIVAL IN
WARSAW, JANUARY 2, 1919

(*Bulletin Periodique de la Presse Polonaise*, No. 63, p. 1, March
2-3, 1919, citing *Kurjer Poznanski*, January 8, 1919)

. . . The Polish National Committee and I, who am its modest representative, have sought to discover and understand the soul of the nation. The duty of the statesman is to discern the public sentiment and to take his orders from the public. Polish aspirations are well known: the reunion of Polish territories. All that is Polish ought to belong to Poland. We wish and we can have a Great Poland, with its maritime coast, with Danzig, Lwow and Vilna. I come from afar, from across the ocean, then by the shores of the Baltic, via Posen, the cradle of Poland. In Great Poland the grandeur of the Polish soul is manifest in its plenitude. There reigns there a spirit of concord and solidarity which should be a model for us. . . . I have not come to gather honors, but to aid in the union of all Poles. I serve no party. I respect all among them which wish loyally to aid the country, but I belong to none. Now there ought to be but one party—that of a great and strong Poland. In the face of the danger which menaces us from the East, every son of Poland ought above all to be a Pole. No party, by itself, will build up Poland, but all, together, will build it. Workers and peasants, patriots, behold the foundations on which the national edifice must be built!

24. PROVISIONAL CONSTITUTION OF THE POLISH REPUBLIC,
FEBRUARY 20, 1919

(Peretiatkowiez, Antoine, *La Constitution Polonaise*, pp. 1-2)

The Diet, having taken note of the declaration of Joseph Pilsudski according to which he remits into the hands of the Diet his functions as Chief of State, expresses to him its gratitude for the efforts which he has put forth in the service of the Mother country, in the execution of these duties.

Until the passage of the constitution establishing the organization of supreme authorities in the Polish State, the Diet charges Joseph Pilsudski, Chief of State, to continue to fulfill these duties, and that on the following bases:

1. The Legislative Diet is the sovereign power and the supreme legislative authority of the Polish State; the laws are promulgated by the Marshal of the Diet, with the countersignature of the President of the Council and of the interested Minister.
2. The Chief of State is the representative of the State as well as the supreme executor of the resolutions of the Diet in both civil and military matters.
3. The Chief of State forms the cabinet in its ensemble, after an understanding with the Diet.*
4. The Chief of State as well as the government, in the fulfillment of their duties, are responsible to the Diet.
5. Every political act of the Chief of State requires the signature of the interested minister.

* On June 16, 1922, the Diet was called upon, at the height of the constitutional crisis, to interpret Article 3, in the following resolution:

"The initiative in choosing the Prime Minister belongs regularly to the Chief of State. It is only in default of a proposition emanating from the Chief of State, or in default of approbation of his choice by the Diet or by an organ regularly constituted by the Diet, that such an organ designates the Prime Minister by majority vote.

"The Cabinet formed by the Chief of State presents itself before the Diet in order to obtain a vote of confidence."

25. PROCLAMATION OF JOSEPH PILSUDSKI TO THE LITHUANIAN
NATION, APRIL 21, 1919

(*Bulletin Periodique de la Presse Polonaise*, No. 68, p. 6,
June 14, 1919, citing the *Gazeta Warszawska*, April 28,
1919)

TO THE INHABITANTS OF THE FORMER GRAND DUCHY
OF LITHUANIA:

For many decades your country has not known liberty, oppressed as it has been by the force of the Russian, German and Bolshevik enemy who, without consulting the population, has imposed on it foreign principles, raising obstacles against its will and frequently striking at its very existence. This state of prolonged servitude, which I know well personally, having been born in these unfortunate regions, must disappear once for all and this land, which God seems to have forgotten, must at last know liberty and the right to express in full independence its aspirations and its needs. The Polish troops which I have led here to drive out the domination of violence bring liberty to all.

I desire to give you the possibility of regulating according to your own will the internal questions of a national and confessional order apart from all violence or pressure on the part of the Poles. We write this because the cannons still roar and blood flows on your land. I am not establishing a military administration, but a civil administration, to which I will summon local persons. The object of this civil administration will be:

(1) To permit the population to make known its needs and determine its fate by freely elected representatives; the elections will be by secret, universal and direct voting without distinction of sex.

(2) To assure the feeding of those who are in distress, to facilitate work, and assure order and protection to all without distinction of nationality or confession.

At the head of this administration I have placed George Os-molowski, to whom I ask you to address yourselves openly and sincerely, directly or indirectly, in all affairs interesting you and for all the things of which you have need.

JOSEPH PILSUDSKI.

26. POLISH CONSTITUTIONAL PROJECTS: THE WOJCIECHOWSKI DRAFT

(*Bulletin Periodique de la Presse Polonaise*, No. 68, pp. 8-9,
June 14, 1919)

NOTE: On May 6, 1919, the Polish Minister of the Interior, Stanislas Wojciechowski, presented to the Polish Constituent Diet, at its thirty-third sitting, a draft of a Constitution for the Polish Republic which had been drawn up by the cabinet on May 3, 1919. The Diet referred the project to the Committee on the Constitution, where it was criticized for its omissions and for its lack of conformity to the social ideas of the day.

SECTION I. POLAND AMONG THE NATIONS

The Polish Republic will defend its independence and its integrity with its last energies. It desires at the same time to cooperate with all its power towards the establishment of fraternity among peoples, for it sees therein the pledge of its own security and that of universal peace. It will not have recourse to war except after having exhausted all the means of arbitration, and then exclusively with a view to self-defence. It tends to renew with the neighboring peoples which have suffered with it the ties of former community in the spirit of the Jagellonian epoch and in the spirit of modern conceptions in regard to national independence and democracy.

SECTION II. THE RIGHTS AND DUTIES OF CITIZENS

Every individual, man or woman, inhabiting the territory of the Republic or born of Polish parents, exercises the rights of citizenship on reaching the age of twenty-one. All citizens are free and protected by the law, to which they equally owe obedience. The Republic guarantees to all its citizens the inviolability of the person and the home, the protection of faith and of cultural development, secrecy of correspondence, freedom of speech, of press, of assembly, of association, the right of acquiring and alienating property. The right of property can undergo

restrictions only in so far as the public interest demands it and the excessive concentration in a single hand is in contradiction with the universal right of possession. Public offices will be equally accessible to all citizens. The Republic recognizes only the privileges and titles of learning.

SECTION III. THE DIET OF THE REPUBLIC

The Diet represents the sovereignty of the nation. It is elected every four years by equal, direct, secret and proportional suffrage by all citizens. It passes on all questions interesting the whole of the country and its relations with other peoples, intervenes in the formation of the government, whose acts it controls, and votes the laws. The laws, before coming into effect, must be submitted to the Chief of the Republic.

SECTION IV. THE CHIEF OF THE REPUBLIC

The Chief of the Republic, charged with seeing to the execution of the laws, is elected by all the citizens for a term of seven years by equal, direct and secret suffrage. He must be a citizen of the Republic. He is reeligible. He represents the Republic, receives foreign embassies under the responsibility of the government, concludes or denounces peace and alliances with the approval of the Diet. He is the supreme chief of the armed forces, designates the government responsible to the Diet, names the heads and high functionaries, orders the elections, convokes the Diet each year for an ordinary session of at least six months, and for an extraordinary session in case of need, pronounces the dissolution of the Diet with the approval of the government and of the Keepers of the Laws, in which case he is bound to order new elections within a maximum limit of six weeks. He signs and promulgates the laws voted by the Diet after having examined them with the assistance of the Keepers of the Laws. The Keepers of the Laws are made up of thirty persons designated every four years by the Chief of State under conditions defined by law. The Chief of State, on the advice of the Keepers of the Laws, is empowered to return a law to the Diet within

a period of fifteen days and to demand a new examination. A second vote is final. In case of violation of the Constitution by the Chief of State, the Diet may order, by a majority of at least three-quarters of its membership, a new election of a Chief of State. Every Governmental act of the Chief of State must be countersigned by the competent minister.

SECTION V. GOVERNMENT

The government is constituted by a Council of Ministers, named by the Chief of State and responsible before the Diet. The latter, by a majority of two-thirds of its members, can impeach a minister.

SECTION VI. AUTONOMY

The organs of communal autonomy exercise their action in all branches of the local life. They are chosen by all the citizens. They are grouped in unions of a district which carry on a part of the general interests.

SECTION VII. JUSTICE

The judges will be designated and removed under conditions fixed by law. The right of defence is guaranteed to all accused. Criminal matters will be handed over to juries of twelve persons.

SECTION VIII. THE ARMED FORCES

The Republic is obliged to see to its own defence. All male citizens, from their twentieth year, undergo military instruction and they belong to the reserves for thirty years. The army cannot enter into a campaign until after a vote of the Diet.

SECTION IX. THE TREASURY

The Republic will deal cautiously with the possessions of citizens. It will establish a progressive tax on landed property and incomes.

SECTION X. HYGIENE AND LABOR

The Republic will watch with special solicitude over the workers, who are the principal factor of general well-being. The law will fix the conditions of work in a manner to safeguard public health. It will protect mothers and minors. Labor conflicts will be regulated by arbitral tribunals.

SECTION XI. PUBLIC INSTRUCTION AND THE DEVELOPMENT OF PRODUCTIVITY

Universal instruction is the condition of prosperity for the country. Thus the Republic considers the spreading of knowledge as its fundamental duty. It will apply itself to develop among its citizens creative capacities in all kinds of activity.

SECTION XII. THE CHURCH AND THE FAITH

The Republic guarantees to all citizens the free exercise of their religion. But no one may invoke his religious convictions to decline public duties. The relations of the Republic with the Catholic Church will be regulated by the laws on the basis of an accord with the Holy See. The relations with the other churches and confessions will be regulated after consultation with their representatives.

27. FIRST-FRUIT OF POLISH FOREIGN POLICY: EXCERPTS FROM
SPEECH OF PREMIER PADEREWSKI BEFORE THE PEACE
TREATY COMMISSION OF THE DIET, JULY 24, 1919

(*Bulletin Periodique de la Presse Polonaise*, No. 72, pp. 1-2,
August 28, 1919, citing the *Kurjer Warszawski* of July
25, 1919)

In the name of the government, in the name of Poland, Mr. Roman Dmowski and I have signed this treaty in the profound conviction that it was neither possible nor permissible to do otherwise. You already know perfectly, gentlemen, the sub-

stance of the treaty. It has been the object of much debate and many discussions, of which it is not necessary here to give the details. May I be permitted to point out only that in signing these two historic documents, the treaty of Peace with Germany and the special treaty of Poland with the Allied and Associated Powers, we have both, as true Poles, felt keenly all that these treaties contained that was fortunate and disagreeable for Poland. Of that we had a live and profound sentiment. We have done all that it was in our power to do. We have fulfilled our conscientious duty. We could not have done more. We did not know how to do better. . . .

I come now to the special treaty between Poland and the Allied Powers. It is not dreadful, but it is disagreeable. It must, in fact, be disagreeable for an old and great nation, which has borne the banner of liberty so high aloft, which has in so many respects surpassed many other peoples during so many centuries—it is disagreeable that other nations should impose on it certain laws and measures as if it were not in a position to establish them itself. But, what could be done about it? The situation was difficult. We have ourselves contributed to it in a certain measure. When the internal organization of the state advances so slowly, when difficulties accumulate, when the great national task is the union of all forces and the harmony of all hearts, it is no time for recrimination or accusation. As for myself, I do not wish to cast any blame on any one. I point out simply—and it is doubtless not my duty to explain—that we have contributed somewhat to this situation, and I confine myself to that remark.

The rights of minorities, or rather of a single national minority, were decided in Poland, drawn up and, in some respects, voted before the armistice had been concluded. To this end, as you know, the Zionists, the Jewish nationalists, that is to say, the most powerful elements commercially and financially, had principally been working. Rights have been given them, but what rights? The rights which our own Diet, I am convinced, would equally have accorded them, and not only the Diet, but the Polish spirit, which everywhere and at all times has been and will be noble, generous and just. They have been given

rights, but we also at the same time have acquired rights. We have been given the right to introduce Polish into all the religious schools and in consequence also in the "Cheders." Let us therefore not complain, gentlemen, for I think that if one considers the dangers which menace us and the conditions in which our cause found itself, the concession of the rights of national minorities is a victory for us and not a defeat. Thus we ought not to bewail and lament, but to take things as they are, as they ought to be, and as we would have arranged them ourselves. One thing alone in these rights of national minorities appears to me unjust and wrong—these are the rights recognized by the treaty, from the standpoint of language and culture, to the Germans inhabiting the Polish State. The treaty has, notwithstanding, not assured the same rights to the equally numerous Poles who will find themselves in the confines of the German State and, in consequence, under German domination. I drew attention to this point on the eve of the signature of the treaty. Both Wilson and Lloyd George and Sonnino and Clemenceau—who was quite favorable to us—realized that my remarks were well founded, but declared that there was no time for any more modifications whatsoever, that Germany would exploit these modifications as a motive for breaking off the negotiations—which would be inadmissible, were it only from the general impatience provoked by the protracted peace negotiations. Lloyd George, who spoke to me first on this matter, nevertheless declared with President Wilson that, when Germany will manifest any desire whatsoever to be admitted into the League of Nations, the guarantee of these rights to the Poles will be laid down as one of the principal conditions of her admission. I point that out above all so that the Diet, when ratifying the treaty, shall claim the rights of Poles who unhappily remain outside the confines of our State. It is fitting that this should be done in a formula which shall not be that of protests and reservations, for we cannot permit ourselves to do that. It is necessary to act in a conciliatory dignified way, by expressing the wish and the hope that justice will receive satisfaction in the given case. . . .

The internationalization of the Vistula . . . constitutes an

enormous attack on the sovereignty of the Polish State. But the Allies are substituting a new order of things for the old. The League of Nations proposes to assure international navigation on all watercourses. They have begun with us, but we are not the only ones. Certain of our colleagues have been troubled over . . . the responsibility of Poland for the debts of the Russian State. This article is disagreeable only in form. It was handed to us on June 28, the day of the signature of the treaty, just before we left for Versailles. There was no time to discuss it, and we were little surprised on that account. Fundamentally, it seemed inevitable that Poland should be invited to assume a part of the Russian debts.

We have signed the treaty in the name of God, we have signed in good faith and with the confidence that it will bring good to Poland, for, in spite of all the disagreeable things and in spite of small imperfections, it will assure to our country liberty and independence, it will assure advantages which only five years ago would have appeared to the vast majority of Poles a dream incapable of realization. I make bold to ask you, gentlemen deputies, to vote accordingly and present the treaty to the Diet for ratification.

28. PROGRAM OF THE SKULSKI MINISTRY, DECEMBER 18, 1919

(*Bulletin Periodique de la Presse Polonaise*, No. 80, pp. 2-3, January 12, 1920)

I ought first of all to express the indebtedness of the entire country to Ignace Paderewski, whom posterity will count among the most noble servitors of Poland. Our program is simple: at home, work and harmony of effort; abroad, dignity, calm, consciousness of our rights and duties. The government will apply itself to satisfy the material needs of the masses, to realize social reforms in a broad democratic spirit, to maintain, at whatever cost, the legal order, to cause the equality of all before the law to be respected in practice, to increase agricultural and industrial production, to remedy our financial situation, to combat by every means carelessness, venality and arbitrariness.

The most urgent problem is that of food supply. We will supervise the delivery of the contingents of wheat fixed by law. We will make purchases abroad. The country ought to impose restrictions on itself. Special rations will be accorded to those who, by reason of their physical labor, have need of more abundant food.

We respect the rights and duties won up to this day by the working class by giving it a constitutional guarantee and by assuring the interests of labor an appropriate representation. Our intention is to elaborate modern labor legislation, particularly as regards the protection of labor, social insurance and professional organizations. We will encourage the general use of collective labor contracts and arbitral commissions. We will sustain financially the development of cooperatives and the construction of workers' homes.

Considering the agrarian reform of July 10 as an accomplished fact, we will employ ourselves to render it realizable in practice so far as possible. We will give the widest satisfaction to the non-possessing classes and to the small landholders without disrupting the bases of agricultural production. We will undertake in the spring a vast operation of partitioning, without recoiling from forced purchases in the districts where the State does not possess a sufficient quantity of land. Everywhere measures will be taken to intensify production.

We will put in force immediately the law of July 18 concerning the assistance of the State in the reconstruction of the country, a law which has not yet been applied. Within the limits of our financial resources, we will construct canals and regularize the watercourses.

As regards public instruction, the first task of the government will be to reorganize university administration, while avoiding bureaucracy and excessive centralization. It will multiply the seven-class schools. It will supervise with particular solicitude professional instruction. It will facilitate the access of the peasant youth to secondary education. It will aid the universities to become great scientific centers.

The financial policy of the government will have as its first object the sanitation of the monetary situation, which grows

worse month by month. The projects already elaborated will unify the currency in circulation and institute a unified currency. Taxes on incomes and inheritances are planned for. A special project will look to war profits.

The present very defective industrial organization will be reformed. After the establishment of a provisional customs tariff, the government will prepare a definitive tariff. Measures are envisaged for the amelioration of transports and the increase of rolling stock.

The ministry of the interior is preoccupied with the reorganization of the administrative authorities with a view to the unification and simplification of the services.

The constitutional project previously presented by the government will be modified. The majority parties have come to an agreement to recognize the necessity of instituting a Senate. The Senate and the Diet will make up the National Assembly which will elect the Chief of State.

Our program, in matters of foreign policy, is translated in its entirety by the fact that we should like to see Mr. Paderewski retain the post which he occupied in the government and at the peace conference. We will follow the course of the preceding cabinet. We wish a great and strong Poland solidly supporting itself on the Powers and nations of the Entente. I will interpret our sentiments to all by saying that Poland owes its independence not only to 150 years of continuous struggles, but to the immense sacrifices of France, England, Italy, the United States, Japan, Belgium and the other allied nations and that it owes them an eternal debt of gratitude. But sentiment should not be the only basis of our relations with the great Western Powers. We ought to understand that only alliance with them can assure us the chances of prosperity. On the other hand, they cannot fail to perceive the serious advantages that a positive understanding with a strong Poland can bring to them. Poland is the representative of Western civilization in the East. It is today, as before, the most important element of peace and order. To place our interests and our objectives in harmony with those of the Western Powers will be one of the greatest tasks of Polish policy. This aim will be attained if the West understands the

interests it has in the creation of a really strong Poland, completely independent and possessing the plenitude of its rights of sovereignty. The government has a vital interest in insisting on as prompt as possible a ratification of the treaties of peace. It will apply itself equally to hasten the determination of our eastern frontiers. The Polish delegation at Paris has protested against the decision by virtue of which Poland is invested with a mandate for twenty-five years in Eastern Galicia. We will persist in this attitude. I am convinced that the Supreme Council will do justice to our principal claims.

I declare in closing that the cabinet will employ itself to develop a policy in conformity with the positive interests and the liberalism of the Polish nation. We will cooperate to our best towards the realization of the League of Nations, in which we see the guarantee of universal peace.

29. PROCLAMATION TO THE CITIZENS OF GREAT POLAND, POMERANIA AND SILESIA HANDED OVER TO POLAND BY THE TREATY OF VERSAILLES, JANUARY 17, 1920

(*Bulletin Periodique de la Presse Polonaise*, No. 82, p. 1, February 17, 1920, citing *Robotnik*, January 19, 1920)

. . . Citizens! Hitherto you have suffered greatly. The attempt has been made by every means to tear you away from your land and to estrange you from your government. Your language and your customs have been taken away from you. These long years of trial and persecution have passed forever. Today a new and shining future opens before you. You at last become the masters of your land and your life belongs to you. History has changed. The Poles can here anew proudly lift up their heads, but Poland, so long oppressed, will not oppress anyone. The Most Serene Republic, remembering its traditions of liberty and tolerance, desires to see in all the inhabitants of the territories of which she is taking possession, whatever may be their nationality or their confession, good and happy citizens of the Polish State. In guaranteeing fully the protection of life and property as well as the maintenance of public order, it

demands a strict observance of public duties and obedience to the laws and the decrees of the authorities.

JOSEPH PILSUDSKI,
Chief of State.

LEOPOLD SKULSKI,
President of the Council.

LADISLAS SEYDA,
Former Minister for the Prussian Provinces, Deputy.

30. PEACE OFFER FROM THE RUSSIAN SOVIET GOVERNMENT TO
THE POLISH GOVERNMENT, JANUARY 29, 1920

(*Bulletin Periodique de la Presse Polonaise*, No. 83, p. 3,
March 8, 1920, citing *Glos Narodu*, February 4, 1920)

Poland is placed before a decision which can have the most disastrous consequences for the two peoples. Everything indicates that the ultra-imperialists of the Entente, the partizans or agents of Churchill or of Clemenceau are actually tending to force Poland into an insensate and criminal struggle against Soviet Russia. Conscious of its responsibility before the working masses of Russia, animated with the ardent desire to avoid sacrifices, calamities and incalculable devastations which menace the two nations, the Council of the People's Commissaries declares as follows:

(1) The policy of the Socialist Federalist Republic of Soviets in regard to Poland, not depending on ephemeral and temporary diplomatic or military combinations, but on the immutable principle that the nations have the right freely to dispose of themselves, has recognized and recognizes formally and without reservations the independence and the sovereignty of the Polish Republic, and this recognition, which dates from the first day of the existence of the independent Polish State, is the basis of all relations with Poland.

(2) Reiterating the last peace offer presented to Poland on December 22 last by the Commissary of the People for Foreign Affairs, the Council of the People's Commissaries, to which all aggressive policy is foreign, declares that the Red Armies will

not pass the White Russian front. . . . As regards the Ukrainian front, the Council of the People's Commissaries declares in its own name, as in that of the Ukrainian Provisional Government, that the soviet troops of the federative republic will not undertake any military action west of the line occupied. . . .

(3) The Council of the People's Commissaries declares that it has never concluded, either with Germany or any other state, any accord or treaty aimed directly or indirectly against Poland, and it declares that the character and the spirit of the international policy of the Soviets excludes even the possibility of such treaties and the least desire to profit from the eventual conflicts of Poland with Germany or any other country whatsoever to menace the independence of Poland and its territories.

(4) The Council of the People's Commissaries believes that, as regards the real interests of Poland and Russia, there is no question, either of a territorial, economic or other order, which it is not possible to regulate peacefully by way of reciprocal negotiations and concessions, as is the case with the negotiations now under way with Esthonia.

In charging the People's Commissary for Foreign Affairs with obtaining at the next meeting of the All-Russian Central Executive Committee a solemn confirmation by the supreme organ of the republic of the principles above enunciated in regard to the policy of the Soviets toward Poland, the Council of the People's Commissaries considers on its side that by the present categorical declaration it fulfils its duty in regard to the interests of peace of the Polish and Russian nations and it nourishes the lively hope that all the questions in dispute may be settled by way of friendly negotiations between Russia and Poland.

31. THE POLISH GOVERNMENT AND THE JEWS: DECLARATION OF WARSAW, JULY 4, 1925

(*Bulletin Periodique de la Presse Polonaise*, No. 156, p. 6, citing the *Kurjer Warszawski*, July 5, 1925)

The representatives of the Government have had a series of conferences with the representatives of the Jewish Club, which

have resulted in an agreement. In consequence, we express the hope that the demands of the Jewish population along religious, cultural, political and economic lines will receive satisfaction and that Jewish circles will have the opportunity to collaborate for the good and prosperity of the state, which will give to all parts of the population as well as to the national minorities, the possibility of obtaining what is in conformity to their needs. The Jewish Club has always taken its stand and today maintains its stand on the point of view of the Polish state and the intangibility of the frontiers of the republic, and it is in the spirit of these principles that it will pursue its democratic policy. Drawing its inspiration from these intentions, the Jewish Club has the honor to present the following declaration:

The Jewish Club, attached firmly to the principle of the intangibility of the frontiers of the Polish state and to its interests as a Power, recognizing, on the other hand, the necessity of the internal consolidation of this state, declares that, conformably to these principles, it will pursue in the Diet its general policy as well as its national policy in the sense of defending Jewish rights and interests.

On behalf of the Polish government Premier Ladislas Grabski replied:

I take note of your declaration with entire satisfaction. I can assure you for my part that the government expects the policy of the Jewish parties to become stabilized on the basis of reconciliation to the interests of the Republic as a Power, as well as on the basis of the internal consolidation of the state and the economic and financial reconstruction of the country. On its side, the government will give greater attention to the needs of the Jewish people in the domain of instruction, culture, and economic life.

32. POLISH-JEWISH RELATIONS: LEGISLATIVE AND ADMINISTRATIVE ASPECTS

(*Bulletin Periodique de la Presse Polonaise*, No. 156, p. 6, citing *Kurjer Poranny*, July 12, 1925)

The section of the Political Committee of the Council of Ministers, at its meeting on July 11, 1925, under the presidency of Ladislas Grabski, decided to present to the Council of Ministers the following propositions regarding Jewish minorities:

1. The Council of Ministers charges the minister of public instruction and worship to draw up a draft ordinance on the uniform organization of Jewish cultural associations and on the Jewish religious council.

2. The Council of Ministers authorizes the minister of public instruction and worship to draw up a draft ordinance of the Council of Ministers extending to the eastern voyevodships the provisions of the decree of February 7, 1919, which has modified the organization of Jewish cultural communities on the territory of the former Congress Kingdom.

3. The Council of Ministers registers the declaration according to which the minister of public instruction and worship will consent to the modification, in a democratic sense, of the statutes of the Jewish cultural communities in former Austrian Poland.

4. The Council of Ministers charges the minister of public instruction and worship with undertaking a study of a bill authorizing, as regards the use of the Hebrew and Jewish languages in the deliberations of Jewish cultural communities, provisions analogous to those governing the use of the Ruthene and White Russian languages in the debates of autonomous local bodies.

5. The Council of Ministers accepts, in principle, the proposition that the use of the Hebrew and Jewish languages in public meetings shall be authorized according to provisions laid down by law.

6. The Council of Ministers takes note of the declaration according to which the minister of public instruction and worship announces that he will introduce in a certain number of public primary schools, in regions where the percentage of the Jewish

population is high, the keeping of Saturday as a holy day and the teaching of Hebrew sciences up to ten hours per week.

7. The Council of Ministers takes note of the declaration according to which the minister of public instruction and worship announces that he will promulgate ordinances according to the terms of which students attending "cheders" which have conformed to the provisions in force in state establishments will be considered as satisfying the law on compulsory education.

33. DOCUMENTS ON THE PILSUDSKI COUP D'ÉTAT, MAY, 1926

A. Communiqué of the Witos Government to the Public,
May 13, 1926, 3:30 A.M.

(*Bulletin Periodique de la Presse Polonaise*, No. 165, p. 15)

The criminal agitation long since undertaken in the army by conspirators and the disturbers of order has led to sad consequences. Several military detachments from certain districts, gathered in the region of Rembertow, excited by false alarms and deceived by false orders, have been led to violate their discipline and refuse obedience to the government of the Republic. The government of the Republic, guardian of the Constitution and defender of order, has taken the necessary measures to prevent the entry into the capital of the rebel chieftains of the units that have been led astray. The President of the Republic, in his capacity as commander-in-chief of the armed forces of the State, has given orders to the rebels to come to their senses and to submit to the regular authorities. The government invites all the citizenry to observe complete calm and to obey the legal authorities of the Republic.

B. Appeal of President Wojciechowski to the Polish Army,
May 13, 1926.

(*Bulletin Periodique de la Presse Polonaise*, No. 165, p. 15)

Soldiers of the Republic! Honor and Fatherland—such is the device of the noble service which you are performing under

the banners of the White Eagle. Discipline and absolute obedience to the regular authorities and the regular leaders are the most important duty of the soldier, which you have sworn to fulfil. Fidelity to the Fatherland, to the Constitution, to the legal government, is the necessary condition for you to hold to your oath. Being your Commander-in-Chief, Soldiers, I recall to you your duty and ask you to guard rigorously your military loyalty. I make this appeal to those who may have forgotten it and I order them to return immediately to the way of the law and of obedience to the Minister of War named by me.

C. Manifesto of President Wojciechowski to the Polish Army,
May 14, 1926.

(*Bulletin Periodique de la Presse Polonaise*, No. 165, p. 16)

Soldiers of the Republic! A monstrous thing has happened. Senseless men have risen against the majesty of the Fatherland and have entered into open revolt. They have undone, by their false devices, the honest spirit of the Polish soldier and have provoked the shedding of the blood of their brothers. Put no trust in the lies that are broadcast. The President of the Republic is at the Belvedere with the government, which is sustained by valiant troops and he calls you to defend with him the insulted honor of the Polish army and the legal order. Reinforcements are arriving from the provinces. The battle will be pursued against the rebels, who have cut themselves off from the ranks of the army.

D. Appeal of the Polish Socialist Party to the Working Classes,
May 14, 1926.

(*Bulletin Periodique de la Presse Polonaise*, No. 165, p. 17)

Workers! The reactionary Witos government has provoked civil war. The blood of the soldiery, the blood of the civilian populace, flows in the streets of Warsaw. M. Stanislas Wojciechowski, President of the Republic, has, with his ministers, re-

jected all attempts at agreement. The responsibility for this fratricidal strife falls on the conscience of these men. Workers of Warsaw! the only way out of the situation is the immediate resignation of the Witos government. You must throw a general strike into the balance of events. The general strike will begin Friday, May 14, and continue until further orders.

E. Final Rescript of the Witos Cabinet, May 15, 1926, 5:30 P.M.

(*Bulletin Periodique de la Presse Polonaise*, No. 165, p. 17)

The President of the Republic has consulted the Council of Ministers to determine whether, in view of the situation created by the occupation of the capital by the troops of Pilsudski and in view of the danger of the continuation of civil war, the struggle should be kept up or abandoned. The Council of Ministers, recognizing unanimously that the continuation of the struggle under these conditions would lead to a war between the different provinces of Poland, that it is necessary to use the whole army to defend the frontiers imperilled by this war and that, finally, it is indispensable, in the interests of the state, to put an end to the division of the country and the army into two hostile camps, decided that it was best to abandon the struggle. Convinced that a new government would be in a better position to accomplish this task, the Council of Ministers has decided to present its resignation. The President of the Republic at the same time made known his decision to resign his position.

F. Resignation Letter of President Wojciechowski, May 15, 1926.

(*Bulletin Periodique de la Presse Polonaise*, No. 165, p. 17)

In view of the situation which has been created, which places me in a position where it is impossible for me to exercise my functions as President of the Republic according to the oath taken by me, I resign these duties and, in conformity with

Article 40 of the Constitution, I remit to the President of the Diet my powers as President of the Republic. I append the resignation of the cabinet.

G. Program of the Bartel Cabinet, May 16, 1926.

(*Bulletin Periodique de la Presse Polonaise*, No. 165, p. 18)

The government, constituted by decision of the President of the Diet acting in conformity with Article 40 of the Constitution, will hand over its powers into the hands of the President of the Republic to be elected by the national assembly. The tragic events of these last days, which have deeply stirred the conscience of all the citizens of the Republic, demand a common effort to avoid definitively the possibility of their return. The causes of these events are in the moral decomposition which was beginning to strike at public life in Poland; it is against this moral decomposition that all citizens with feelings of honesty must struggle. The government understands that today it is not enough to maintain legal order provisionally, and that it is vital to raise public life to a level of morality which will be the pledge of the internal regeneration and of the upbuilding of the Republic. This moral regeneration, this development of the Republic by respect for law and social justice and by the elimination of all selfishness of individuals or parties, the government considers not only as mottoes for the future but as the first task of the present moment. Measures will be immediately undertaken to eliminate the evils from which the State and the organs of government are suffering. At the same time, the cabinet will present a plan destined to strengthen the organization of political life. With unshaken confidence in the moral and civic valor of the country, the government energetically demands of all the citizenry absolute obedience and loyal collaboration, so that no obstacle to its activity may result from the illegal actions of individuals.

34. LETTER OF JOSEPH PILSUDSKI TO THE POLISH NATIONAL
ASSEMBLY, REFUSING ELECTION TO THE PRESIDENCY,
MAY 31, 1926

(*Gazette de Prague*, Vol. 7, No. 43, June 2, 1926, p. 1, c. 4)

I thank the national assembly for having wished to name me president of the republic. It is the second time in my life that I have thus seen legalized my activity and my historic work, which have unhappily hitherto encountered much opposition and ill will. It is unfortunately impossible for me to accept the duties with which you wish to charge me. I would not be able to feel any confidence either toward the task which I have already accomplished, or towards the persons investing me with the duties of president. The tragic image of president Narutowicz, assassinated without my having been able to do anything to avert his tragic destiny, is too vivid before me. The brutal aggressions of which my children have been the victims have also greatly impressed me. The rôle in Poland of the president of the republic, withdrawn by the constitution from all direct participation in the affairs of state, demands a character other than mine. I pray all those to whom my refusal will cause disillusionment to pardon me. In saying this I am thinking of those who gave me their vote in the national assembly and also of those who, outside the assembly, have asked me to accept the presidency of the republic. My conscience does not permit me to give them satisfaction. I thank the assembly for having chosen me, and I pray it to proceed immediately to the election of a new president of the republic. May God grant that its choice be a happy one.

JOSEPH PILSUDSKI.

Warsaw, May 31, 1926.

35. LAW OF AUGUST 2, 1926, MODIFYING AND COMPLETING THE
CONSTITUTION OF THE REPUBLIC OF POLAND OF MARCH 17,
1921

(*Bulletin Periodique de la Presse Polonaise*, No. 168, September 25, 1926, citing the *Dziennik Ustaw*, August 4, 1926)

ARTICLE 1. Article 4 of the law of March 17, 1921, is amended as follows: "A State law determines each year the State budget for the following budgetary year."

ARTICLE 2. The following final passage is added to Article 22 of the law of March 17, 1921: "If the foregoing provisions are violated, and the matter is so determined on the demand of the President of the Sejm or of the Supreme Administrative Court by the Supreme Court, the deputy loses his mandate as well as the personal advantages which he holds from the government. A special law will determine the details of judicial procedure."

ARTICLE 3. Article 25 of the law of March 17, 1921, is amended as follows: "The President of the Republic convokes, opens, adjourns and closes the Sejm and the Senate.

"The first sitting of the Sejm must be convoked the third Tuesday following election day. The Sejm must also be convoked each year in ordinary session in the month of October at latest.

"The President of the Republic may convoke the Sejm at any time in extraordinary session according as he deems it necessary. Such a session must be convoked in two weeks on the demand of one-third of the deputies.

"The constitution determines the other cases in which provision is made for the convoking of extraordinary sessions.

"The approval of the Sejm is required for the adjourning of a session if the adjournment is to be renewed in the course of the same session or if the interruption is to last for more than thirty days.

"The government lays before the Sejm in the course of the session its budget proposals, including annexes (Article 4), at least five months before the beginning of the budgetary year. Beginning from the moment when the budget proposals are laid

before the Sejm, the session of the Sejm cannot be closed so long as the budget has not been voted nor so long as the time stipulated in the present article has not expired.

“If the Sejm, in the course of three and a half months, dating from the day when the government’s draft of the budget law is presented, has not voted the said law, the law will go to the Senate for examination.

“If the Senate has not sent back to the Sejm its resolution, including modifications approved within an interval of thirty days, the proposed budget shall be considered as having been adopted and the Senate as not having raised objections on its part. (Article 35, paragraph 1.)

“If, in an interval of fifteen days after the receipt of the budget transmitted by the Senate with approved modifications, the Sejm does not adopt a new resolution (Article 35, paragraph 3), the modifications introduced by the Senate shall be considered as adopted.

“The President of the Republic orders the publication of the budget as a promulgated law:

a) In conformity with the text adopted by the Sejm, if the Sejm and the Senate have examined the budget in the time provided, and if the Sejm has approved or rejected the modifications of the Senate (Article 35, paragraph 3);

b) In conformity with the text adopted by the Sejm or the Senate, in case the Sejm or the Senate have alone voted the budget in the time provided;

c) In conformity with the text of the government’s proposals, in case neither the Sejm nor the Senate have decided concerning the budget within the time provided.

“The stipulations contained in the preceding paragraph of this article are inapplicable in case the Sejm should reject, in its ensemble, the budget proposals presented by the government.

“If the Sejm is dissolved and if the budget for the fiscal year in course, or at least the provisional twelfths for the months preceding the meeting of the new Sejm, have not been voted, the government may effect expenditures and collect taxes within the limits of the budget for the preceding year, up until the vote by

the Sejm of the provisional twelfths which the government is bound to present to the first sitting following the elections.

"If the Sejm is dissolved without the law on the military contingent having been voted, the government may raise the contingent within the limits of the law of the preceding year voted by the Sejm."

ARTICLE 4. Article 26 of the Constitution is amended as follows:

"The President of the Republic dissolves the Sejm and the Senate after the legal expiration of their mandate.

"The President of the Republic may dissolve the Sejm and the Senate before the legal expiration of their mandate on the proposal of the Council of Ministers and by a message stating his reasons; nevertheless, he cannot make use of this right more than once for the same reason.

"Elections must take place within the ninety days which follow the dissolution of the Sejm and the Senate. Their date is determined either by a message of the President of the Republic on the dissolution of the Sejm and Senate or by the vote of the Sejm and Senate."

ARTICLE 5. Article 44 of the law of March 17, 1921, is completed by the following provisions:

"The President of the Republic may promulgate, in case of urgent State necessity, from the moment of the dissolution of the Sejm and Senate until the meeting of the new Sejm (Article 25), ordinances having the force of law in the domain of State legislation. Nevertheless, the said ordinances may not relate to changes to be made in the Constitution, nor to the questions covered in Articles 3, paragraph 4; Articles 4, 5, 8, 49, paragraph 2; Articles 50, 59, nor to changes in the laws governing the elections to the Sejm and the Senate.

"The law may authorize the President of the Republic to publish ordinances having the force of law on the dates and within the limits indicated by the law, with the exception, however, of changes in the Constitution.

"The ordinances provided for in the two preceding paragraphs shall be promulgated with reference to the provisions of the constitution pertinent thereto, and on the proposal of the

Council of Ministers. They must be signed by the President of the Republic, by the President of the Council, by all the ministers and published in the *Journal of the Laws*. The aforesaid ordinances lose the force of law if they are not laid before the Sejm within fourteen days following the next sitting of the Sejm or if, after being laid before the Sejm, they are rejected by it."

ARTICLE 6. The following phrase is added to Article 58 of the law of March 17, 1921: "A motion leading to the retirement of the Council of Ministers or of such and such minister may not be voted on in the course of the same sitting in which it is proposed."

ARTICLE 7. The execution of the present law is confided to the President of the Council of Ministers and to all the ministers.

ARTICLE 8. The present law enters into force on the day of its promulgation.

36. LAW OF AUGUST 2, 1926, AUTHORIZING THE PRESIDENT OF THE REPUBLIC TO PROMULGATE ORDINANCES HAVING THE FORCE OF LAW

(*Bulletin Périodique de la Presse Polonaise*, No. 168, September 25, 1926, citing the *Dziennik Ustaw*, August 4, 1926)

ARTICLE 1. The President of the Republic is authorized to promulgate ordinances having the force of law with a view to

Putting existing laws in harmony with the Constitution and enforcing those of its provisions which call for the promulgation of special laws;

Reorganizing and simplifying the state administration and putting the legislation of the country in order;

Regulating the administration of justice;

Regulating public loans;

Finally, assuring budgetary equilibrium, the stabilization of the currency and the economic reconstruction of the State, particularly as regards agriculture and forestry.

ARTICLE 2. These ordinances may not relate to questions

enumerated in Article 3, paragraph 4; and Articles 4, 5, 8, paragraph 2; 50 and 59 of the Constitutional Law of March 17, 1921, nor to the imposition of new taxes or public loans; to the increase of existing taxes more than the 10 per cent. provided for by the law of July 1, 1926; to the establishment of new monopolies; to the increase of customs tariffs; to the increase in the circulation of bullion and small coins above the amount now authorized; to the mortgage or exchange of immovable state property or the alienation of the same if its value exceeds 100,000 zlotys; to the changing of the electoral law to the Sejm and Senate; to the laws governing the functioning of autonomous institutions, and to the electoral law for communal assemblies; to changes in the frontiers of the voyevodships; to the school and language laws, the anti-alcohol law or to the laws on marriage.

ARTICLE 3. The present law shall remain in force until the creation of the new Sejm.

ARTICLE 5. The present law enters into force on the day of its publication.

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